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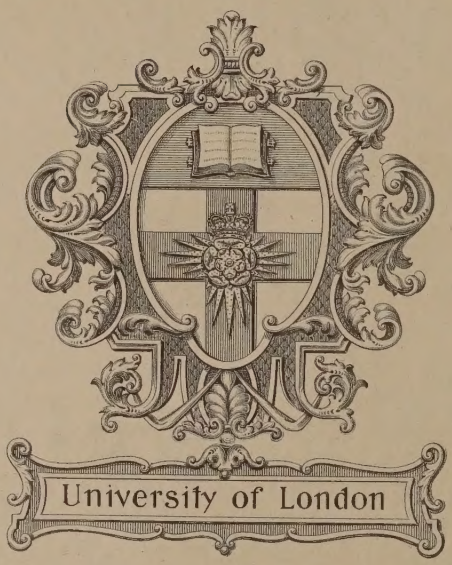

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ACCOUNTS AND PAPERS:

THIRTY-EIGHT VOLUMES.

—*(21.)*—

MISCELLANEOUS (UNITED KINGDOM);
MISCELLANEOUS (IRELAND).

Session

5 *February* —— 21 *August* 1867.

VOL. LIX.

1867.

ACCOUNTS AND PAPERS:

1867.

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CATTLE PLAGUE.

RETURN to an Address of the Honourable The House of Commons, dated 15 March 1867;—*for*,

"COPY of the CATTLE PLAGUE ORDERS of the PRIVY COUNCIL, and Parts of such Orders as are now in force:"

"RETURNS of the MARKETS in *England* and *Wales* which are now Licensed for the Sale of FAT CATTLE:"

"Of the MARKETS in *England* and *Wales* which are now Licensed for the Sale of STORE CATTLE:"

"And, of the PORTS in the UNITED KINGDOM Licensed for the QUARANTINING of FOREIGN CATTLE."

Privy Council Office,
Veterinary Department,
26 April 1867.

ALEXANDER WILLIAMS,
Secretary.

(*Mr. Read.*)

Ordered, by The House of Commons, *to be Printed,*
10 *May* 1867.

COPY of the CATTLE PLAGUE ORDERS of the PRIVY COUNCIL, and Parts of such Orders as are now in force :—RETURNS of the MARKETS in *England* and *Wales* which are now Licensed for the Sale of FAT CATTLE :—Of the MARKETS in *England* and *Wales* which are now Licensed for the Sale of STORE CATTLE :— And, of PORTS in the UNITED KINGDOM Licensed for the QUARANTINING of FOREIGN CATTLE.

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(A.)—Orders of Her Majesty in Council have been added in this return, although not included in the terms of the Order of the House. The directions of the Lords of the Committee of Privy Council for Trade, for the cleansing and disinfecting of pens, carriages, trucks, and boats, have also been included.—(*See* O. C. 44.)

(B.)—Since the first appearance of the Cattle Plague in June 1865, 140 Orders relating to contagious diseases among animals have been issued by the Lords of the Council; of these, 14 relate specially to small-pox in sheep, and 126 relate to cattle plague, either directly or indirectly. Of the latter, 53 Orders or parts of Orders are in force.

(C.)—The Acts relating to Contagious Diseases among Animals are, 11 & 12 Vict. c. 105, 11 & 12 Vict. c. 107, 16 & 17 Vict. c. 62, 29 & 30 Vict. c. 2, 29 & 30 Vict. c. 4, 29 & 30 Vict. c. 15, and 29 & 30 Vict. c. 110.

PART I.

COPY of the CATTLE PLAGUE ORDERS of the PRIVY COUNCIL, and Parts of such Orders as are now in force.

(*a.*)—COPY of GENERAL ORDERS, and Parts of Orders, relating to *Great Britain.*

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(28.)

At the Council Chamber, Whitehall, the 24th day of March 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.	Mr. Milner Gibson.
Duke of Somerset.	Mr. Bruce.
Lord Stanley of Alderley.	Mr. Göschen.
Sir George Grey, Bart.	

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders amongst Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time, to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat,

skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act.

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared, and now prevails, amongst cattle in England and Wales:

And whereas divers Orders have been made by the Lords of the said Council, in relation to the cattle plague, and it is expedient to consolidate, amend, and add to the said Orders:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby, in exercise of the powers given under the said Act so continued as aforesaid, order as follows:

Preliminary.

1. ~~Part I. of this Order, with the first schedule hereto, and the Regulations 26 and 27 of Part II. which relate to the isolation of infected places, and the Rules with respect to infected places, shall come into operation immediately. — The residue of this Order shall not come into operation until the 16th day of April 1866.~~ The whole of this Order shall remain in force from the time of its coming into operation until it is revoked or altered.

2. This Order shall apply to England and Wales only.

PART I.

Definitions.

3. In the construction of this Order the following terms shall have the meanings hereinafter assigned to them; that is to say,

"Person" shall include a body of persons, corporate or unincorporate:

"Cattle" shall mean bull, bullock, cow, ox, heifer, or calf:

"Animal" shall mean cattle as above defined, sheep, lambs, goats, and swine:

"Disease" shall mean the cattle plague:

"Diseased" shall mean affected by the cattle plague:

"England" shall include Wales:

"Privy Council" shall mean the Lords and others of Her Majesty's Most Honourable Privy Council, or any two of them:

"Borough" shall mean any place for the time being subject to an Act passed in the Session holden in the 5th and 6th years of the reign of King William the Fourth, chapter 76, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales:"

"County" shall not include a county of a city or a county of a town, but shall include any riding, division, or parts of a county having a separate Commission of the Peace:

The Liberty of St. Albans, and the Liberty of the Isle of Ely, and the Soke of Peterborough, shall respectively be deemed to be separate counties, but all other liberties and franchises of counties shall be considered as forming part of the county by which they are surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they have the longest common boundary:

"The Metropolis" shall include all parishes and places in which the Metropolitan Board of Works have power to levy a main drainage rate, exclusive of the City of London and Liberties thereof.

Page 13. Every place that is not, according to the foregoing definitions, a borough, a county, or a part of the metropolis, or is not separately mentioned in the first Schedule hereunto annexed, shall be deemed to form part of the county, as hereinbefore defined, to the county rate of which it is assessed, or, if not so assessed, of the county within which it is situate.

Local Authority.

4. For the purposes of this Order "District," "Local Authority," "Local Rate," and "Clerk of Local Authority" shall respectively mean the places, bodies of persons, rate, and officer in the first Schedule hereto annexed in that behalf mentioned. Page 13.

5. Any local authority may from time to time form one or more committee or committees, consisting wholly of its own members, or partly of its own members and partly of such other persons, being rated occupiers in the district and qualified in such other manner as the local authority may determine, and may delegate with or without conditions or restrictions, to any committee so formed, all or any powers conferred on the local authority by this Order, and may from time to time revoke, add to, or alter any powers so given to a committee.

A committee may elect a chairman of its meetings. If no chairman is elected, or if the chairman elected is not present at the time appointed for holding a meeting, the members present shall choose one of their number to be chairman of such meeting. A committee may meet and adjourn as it thinks proper.

The quorum of a committee shall consist of such number of members as may be prescribed by the local authority that appointed it, or, if no number be prescribed, of three members. Every question at a meeting shall be determined by a majority of votes of the members present, and voting on that question; and, in case of an equal division of votes, the chairman shall have a second or casting vote.

The proceedings of a committee shall not be invalidated by any vacancy or vacancies amongst its members, or, in case of a committee appointed by the General or Quarter Sessions of a county, by the termination of the Sessions by which it was appointed.

A local authority may from time to time add to or diminish the number of the members or otherwise alter the constitution of any committee formed by it under this Order, and may dissolve any such committee.

Any committee formed under the provisions of "The Cattle Diseases Prevention Act, 1866," shall be deemed to be a committee of a local authority for the purposes of this Order, within the district of such local authority as defined by this Order.

6. The local authority of any borough which is assessed to the county rate of any county may, with the consent of the local authority of such county, such consent being testified in writing, by a letter signed by the clerk of such last-mentioned authority, declare, by notice published in any newspaper circulating within such county, that such borough is annexed to such county for the purposes of this Order, and from the date of the publication of such notice such borough shall, for the purposes of this Order, form part of the district of the local authority of such county.

7. Every local authority shall perform all such duties as are imposed upon it by this Order, and shall make such reports to the Privy Council as the Council may from time to time require.

Appointment of Officers, &c.

8. Every local authority shall from time to time appoint such inspectors or other officers as it thinks necessary to carry into effect the provisions of this Order within its district; it shall assign them such duties and award them such salaries and allowances as it thinks expedient, and may revoke any appointment so made.

9. Every inspector or other officer appointed by a local authority previously to the date of this Order, for any purpose relating to the cattle plague, and holding office at such date, shall be deemed an inspector or officer for the purposes of this Order within the district of such local authority as defined by this Order, and be subject to the provisions thereof, in the same manner as if he had been appointed thereunder.

10. Every inspector shall furnish the Privy Council with such information in regard to the cattle plague as they may from time to time require.

 11. Every

11. Every local authority may provide and supply, without charge, printed copies of any documents or forms requisite for the purposes of this Order.

12. All expenses incurred by a local authority in carrying into effect this Order shall be defrayed out of the local rate.

13. Any person appointed or to be appointed by the Privy Council an inspector, for the purposes of this Order, shall, throughout the whole of England, have all the powers which an inspector appointed by a local authority has within his district, and any direction of the Privy Council shall, as respects such inspector, be of the same validity as a direction of a local authority in the case of an inspector appointed by it.

Part II.

Diseased Animals.

14. Every person having in his possession, or under his charge, any diseased animal, shall forthwith give notice thereof to such officer as may have been appointed by the local authority of the district to receive such notices; or, if no such officer has been appointed, to a police constable, whose duty it shall be to report without delay to the local authority the fact of such notice having been given to him. Any person failing to comply with this regulation, as to giving notice, shall be deemed guilty of an offence against this Order.

15. Every person having in his possession, or under his charge, any diseased animal shall, as far as practicable, keep such animal separate from animals not diseased. Any person failing to comply with this regulation shall be deemed guilty of an offence against this Order.

16. No diseased animal, and no animal which has, during the preceding 28 days, been in the same shed or stable, or in the same herd or flock, or in contact with a diseased animal, shall be removed alive from the premises where such animal may be, except with a license from the local authority of the district, which license shall only permit the removal of such animal to some place within the district of such local authority where it can be conveniently slaughtered, or kept apart from all other animals until such local authority is satisfied that there is no reasonable probability of such animal propagating disease; provided that no such license shall authorise such animal to be removed in contravention of the 17th regulation of this Order.

If any animal is removed in contravention of this regulation, the person causing, directing, or permitting the removal of such animal, and also the person removing the same, shall respectively be deemed guilty of an offence against this Order.

17. No diseased animal, and no animal that has within the preceding 28 days been in the same shed or stable, or in the same herd or flock, or in contact with a diseased animal, shall,—

1. Be placed or kept in any common or uninclosed land, or in any field or other place insufficiently fenced.
2. Be sent or brought to any fair or market, or exposed for public sale.
3. Be driven along or allowed to stray upon any highway or the sides thereof.
4. Be sent or carried by any railway, canal, river, or other inland navigation, or by any coasting or sea-going vessel.

If any animal is dealt with in contravention of this regulation, the owner of such animal, and also the company or person, other than the owner, dealing with the same, in contravention of this regulation, shall be deemed guilty of an offence against this Order.

18. Where any offence is committed with respect to any animal under the 14th, 15th, 16th, and 17th regulations of this Order, or any of them, the local authority of the district, and any authority of a fair or market in which such animal may be, may, by themselves or their officers, cause such animal to be slaughtered and buried, and recover from the owner in a summary manner all expences so incurred.

19. All

19. All diseased animals, whether they have been slaughtered or have died of the disease, shall be buried by the owner as soon as practicable in some proper place, with their skins slashed in such a manner as to prevent their being made of any use, and with a sufficient quantity of quicklime or other disinfectant, and shall be covered with at least five feet of earth, or shall be otherwise disposed of in such manner as may be directed by any regulations made by the local authority, and approved by the Privy Council.

If any diseased animal is not buried or otherwise disposed of in pursuance of this regulation, the owner of such diseased animal shall be deemed guilty of an offence against this Order, and it shall be lawful for the local authority to bury or otherwise dispose of any such animal, and to use any convenient place on the premises of the owner for that purpose.

The local authority may recover from the owner in a summary manner any expenses incurred by it under this regulation.

20. No person shall dig up any diseased animal, or part of a diseased animal. Any person acting in contravention of this regulation shall be deemed guilty of an offence against this Order.

21. Every local authority shall, within its district, at its own expense, cause the premises in which diseased animals have been to be thoroughly cleansed and disinfected; and the occupier of such premises shall give all facilities for such cleansing and disinfecting. Any occupier of premises failing to give such facilities shall be deemed guilty of an offence against this Order.

22. No fresh animal shall be admitted into any yard, shed, stable, field, or other premises in which a diseased animal has been kept while affected by disease, or has died, or been slaughtered, until the expiration of 30 days after the cleansing and disinfecting of such premises. If any fresh animal is admitted into any yard, shed, stable, field, or other premises, in contravention of this regulation, the occupier of such yard, shed, stable, field, or other premises shall be deemed guilty of an offence against this Order.

23. The dung of a diseased animal, and all hay, straw, or litter, or any other article that has been in contact with or used about a diseased animal, shall be destroyed, or, with the sanction of the local authority, shall be disinfected and dealt with to the satisfaction of the inspector. If such dung, hay, straw, litter, or any other article is not destroyed or disinfected and dealt with in pursuance of this regulation, the local authority may cause the same to be destroyed or disinfected, and recover in a summary manner all expenses incurred by it from the occupier of the premises on which such articles were found, and, in addition thereto, such occupier shall be deemed guilty of an offence against this Order.

24. The dung of a diseased animal, and all hay, straw, or litter, or any other article that has been in contact with or used about a diseased animal, shall not be removed from the premises where such animal has been, except for the purpose of being destroyed or disinfected and dealt with in compliance with this Order and with a license of an inspector, specifying the place at which it is to be destroyed or disinfected and dealt with, and shall not be removed beyond the limits of the district of the local authority in which the said premises are situated without the consent in writing of the local authority into whose district it is moved. If such dung, hay, straw, litter or other article is removed in contravention of this regulation, the occupier of the premises from which it is removed, and also the person removing the same, shall be respectively deemed guilty of an offence against this Order; and it shall be lawful for the local authority to destroy or disinfect any such article, and to recover the expenses of such destruction or disinfection from the said occupier.

25. Every local authority shall direct the disinfecting of clothes of, and the use of due precautions by, inspectors and other officers brought into contact with diseased animals, with a view to prevent such inspectors or officers spreading contagion. Any inspector or officer disobeying the directions of any local authority as to such disinfection and use of due precautions shall be deemed guilty of an offence against this Order.

Infected Places.

26. The authorities hereinafter-mentioned, that is to say, any local authority as to any place within its district shall, and the Privy Council as to any place in England may, by Order made at any time after the passing of this Order, and published in manner hereinafter-mentioned, declare any place in which disease amongst animals at that time exists, together with such an area, including such place, as to such authority may seem to be required, to be an "infected place," from and after a date to be specified in such Order; and the authority declaring a place to be infected may, at the expiration of one month after the disappearance of disease in that place, by Order published in like manner, declare such place to be free from disease, and, after the publication of such last-mentioned Order, such place shall cease to be an "infected place" within the meaning of this Order, unless again declared in manner aforesaid to be an "infected place."

Any local authority may include in the area of an "infected place" any adjoining part of the district of another local authority, with the consent of such last-mentioned authority, testified in writing by a letter signed by the clerk of such authority.

The area of an "infected place" may be described by reference to a map deposited at some specified place, or by reference to parishes, townships, farms, or otherwise, as the authority may think expedient.

An Order declaring a place to be an "infected place" shall be published by notice being posted up in or near the "infected place," and, so far as is possible, in all places where notices are usually posted up, within five miles of such "infected place," or in such other manner as the authority declaring the place to be infected may think expedient.

The local authority, on declaring any place infected, shall forthwith report by post to the Privy Council the fact of such declaration having been made.

No objection shall be taken in any legal proceeding in respect of an "infected place" on the ground that due notice has not been given of such place having been declared to be an "infected place."

Any Order made by the Privy Council, under this regulation, shall supersede any Order inconsistent with it that may have been made by a local authority.

27. The following rules shall be observed with respect to "infected places," in addition to the other regulations of this Order with respect to diseased animals; that is to say:

1. No animal shall be moved out of an "infected place."

Hair or wool of cattle, sheep, or lambs included. Art. 7, O. C. 64.

2. No hides, skins, horns, hoofs or offal of animals shall be moved out of an "infected place," without the license of some officer of the local authority appointed to issue such licenses, certifying that such articles have not formed part of a diseased animal, and, if necessary, have been properly disinfected.

3. No carcase of, or undressed meat that has formed part of, any bull, bullock, cow, ox, heifer or calf, shall be moved out of an "infected place," without the license of some officer of the local authority appointed to issue such licenses, certifying that such carcase is not that of a diseased animal, and that such meat has not formed part of a diseased animal.

Hay and straw for packing, excepted. O. C. 40.

4. No dung of animals, and no hay, straw, litter or other articles forming the food of animals, or used for or about animals, shall be removed out of an infected place without the license of some officer of the local authority appointed to issue such licenses, certifying that such articles have not been in contact with or used about a diseased animal.

5. A license for the purpose of this regulation must be in writing, and shall not authorise the removal of any articles beyond the district of the local authority in which the infected place is situate, without the license of the local authority into whose district it is proposed to move such articles.

If any animal, dung of animals, hide, skin, horn, hoof, offal, meat, hay, straw, litter or other articles, is or are moved in contravention of this regulation, the owner of such animal or articles, and also the person moving the same, or causing

causing, directing, or permitting the same to be moved, shall respectively be deemed guilty of an offence against this Order.

All constables and police officers shall enforce the provisions of this regulation to the utmost of their power, and may apprehend all persons committing any offence against this regulation, and may require all animals and articles being moved out of such place in contravention of this regulation to be forthwith taken back within the limits of such place.

This regulation shall not apply to any animal or article carried by railway through an infected place.

Markets and Fairs.

28. No market, fair, auction, exhibition, or sale of cattle shall be held ~~until the 1st day of June 1866,~~ except as hereinafter-mentioned; that is to say: Continued by Art. 1 of O. C. 40, and modified by O. C. 93, 97, 111, 130.

First. Cattle belonging to the owner or occupier of premises that are not situate within the limits of an infected place, if the cattle are free from disease, and have been in the possession of the owner or occupier not less than 28 days immediately previous to the sale, may be sold on such premises.

Secondly. Markets may be held, with the license of the Privy Council, for the sale of cattle intended for immediate slaughter: Provided that no cattle shall be removed from such market until they have been marked in the manner in which cattle are ordinarily marked for slaughter according to the custom of such market, or, if there is no such custom, by clipping the hair off the end of the tail; and all cattle required to be marked by this regulation shall be slaughtered within four days from the date of the holding of such market (if sold) by or by the order of the purchaser, or (if not sold) by or by the order of the owner, and shall in no instance be taken, in the case of cattle brought to the Metropolitan Cattle Market, beyond the limits of the Metropolis, including the City of London and the Liberties thereof, and in the case of cattle brought to any other market, beyond such limits as may be described in the license of the Privy Council allowing such market, and under such conditions with respect to their movement within such limits as may be imposed by such license.

If any cattle are sold in contravention of this regulation, both the seller and the purchaser of such cattle shall be deemed guilty of an offence against this Order.

If any cattle required to be marked by this regulation are not so marked, the persons for the time being in charge of such cattle shall be deemed guilty of an offence against this Order.

If any cattle required to be slaughtered by this regulation are not so slaughtered, the purchaser or owner of such cattle or his agent (as the case may be) shall be deemed guilty of an offence against this Order.

If any cattle are removed in contravention of this regulation, the person removing such cattle, and the person causing, directing, or permitting the removal of such cattle, shall respectively be deemed guilty of an offence against this Order.

29. No sheep, lambs, goats, or swine shall be brought into or exposed for sale in any market licensed for the sale of cattle under the last preceding regulation, except for the purpose of immediate slaughter, and all such sheep, lambs, goats and swine, when brought into or exposed for sale in any such market, shall be subject to the last preceding regulation, in the same manner as if they were cattle, except that they shall be marked in such manner as the market authority may direct, instead of in the manner prescribed by the said regulation. Modified by O. C. 70, 121, and 137.

Foreign Cattle.

30. Until the 1st of June 1866, all cattle brought by sea from any place out of the United Kingdom into any town or place in England shall be marked by clipping the hair off the end of the tail, and no such cattle shall be removed alive from such town or place except by sea. Continued by Art. 1 of O. C. 40, and modified by Arts. 2 and 3 of same Order, and also by O. C. 36, 96, 99, 112, 134, and 138.

"Town or place" in this regulation shall, according to circumstances, mean as follows:

1. The area of the metropolis, including the City of London and the Liberties thereof:

2. The area of any borough or such other limits as may be defined by the Privy Council in respect of such borough:

3. In the case of any other town or place, such area as may be defined by the Privy Council to constitute such town or place.

Cattle brought by Sea from any part of the United Kingdom into England.

Modified as to cattle from Ireland by O. C., 4 Oct. 1866, No. 79.

31. No cattle brought by sea from any place in the United Kingdom into any town or place in England shall be removed from such town or place alive, without a certificate from the local authority having jurisdiction in such town or place, that such cattle have been examined by some officer appointed for that purpose by such authority, and that such cattle are free from disease; but such certificate shall not exempt such cattle from any other regulation of this Order with respect to the movement of cattle or otherwise; provided, nevertheless, that, in the case of cattle landed in any place in England from Ireland, the certificate of the local authority, that such cattle are free from disease, shall be accepted, in the case of a fat-stock license, by the person authorised to grant the same as sufficient for the purpose of granting such license, and, in the case of a store-stock license, such certificate shall be accepted by the justice as equivalent to the declaration of the owner or his agent and to the certificate of the occupiers required by the form of the said store-stock license.

"Town or place" shall in this regulation have the same meaning as in the preceding regulation.

Special Regulations within the Metropolis.

32. The following additional regulations shall be in force as respects the movement of cattle within the metropolis, inclusive of the City of London and the Liberties thereof:

1. No cattle shall be removed from the metropolis, inclusive as aforesaid, provided that where any person occupies a farm situate partly within and partly without the metropolis, inclusive as aforesaid, or any other contiguous premises so situate, he may, with a license from the Commissioner of Police of the metropolis (which license such Commissioner is hereby empowered from time to time to grant, and, if he think fit, to revoke), and for a time, not exceeding seven days from the date of such license, move from one part of such premises to another any animal not diseased which has been in his own possession for 28 days immediately previous to the date of such license, and has been marked in such manner as the said Commissioner of Police may direct.

If any cattle are removed from the metropolis, inclusive as aforesaid, in contravention of this regulation, the owner of such cattle, and also the person in charge of the same, shall respectively be deemed guilty of an offence against this Order.

2. No cattle shall be moved along any highway, thoroughfare, or public place within the metropolis, inclusive as aforesaid, except for a distance not exceeding 500 yards from part to part of the same farm or to water, without a license from the said Commissioner of Police; and every such license shall state the number and description of animals licensed to be removed, and the place of their destination, and shall be valid only for 24 hours from the date thereof; provided that this clause of this Order shall not apply to any animals intended for immediate slaughtering which are sent to or from the said Metropolitan Cattle Market.

If any cattle are moved along any highway, thoroughfare, or public place in contravention of this regulation, the owner of such cattle, and also the person in charge of the same, shall respectively be deemed guilty of an offence against this Order.

General Regulations.

Movement of Cattle.

33. No cattle shall be moved on any highway between sunset and sunrise, except within the limits of the metropolis, inclusive of the City of London and the Liberties thereof, or of any other city or town. Except from Tottenham Station to Metropolis, O. C. 135.

No cattle shall be moved by or upon any railway, canal, navigation, river, or highway, or by any vessel coastwise, without a license, except for a distance not exceeding 500 yards from one part of the same farm to the other.

Licenses shall be of two descriptions:

1. A license for cattle intended for immediate slaughter, hereinafter called a fat-stock license.
2. A license for other cattle, hereinafter called a store-stock license.

A fat-stock license shall be in the form, and contain the particulars, and be signed in the manner appearing in the form marked A. in the second schedule annexed hereto, or as near thereto as circumstances admit. *See* page 29 for Form.

A store-stock license shall be in the form, and contain the particulars, and be signed in the manner appearing in the form marked B. in the said second schedule, or as near thereto as circumstances admit. *See* page 30 for Form.

No cattle shall be moved as aforesaid out of the district of the local authority in which they are, without a license in one of the forms aforesaid, such form being applicable to the class of cattle moved; but where cattle are moved only within the district of a local authority, that local authority may make regulations for granting licenses, in such form as it thinks fit, for the movement of such cattle, so that the conditions of such licenses be not more stringent than the conditions of the licenses in the said second schedule. Modified by O. C. 104.

If any cattle are moved in contravention of this regulation, the owner of such cattle, and the person directing or permitting the removal of the same, and the company or person conveying the same, shall respectively be deemed guilty of an offence against this Order.

Cattle brought by land from Scotland into England may be moved in England with the same licenses that in Scotland authorise their removal from the district of one local authority to another, in pursuance of any Order of the Privy Council in force for the time being.

34. No person shall drive or allow any cattle under his charge to be driven or to stray into any enclosed field, without the consent of the owner or occupier thereof, and any person acting in contravention of this regulation shall be deemed guilty of an offence against this Order.

Movement of Hides and Skins, &c.

35. No hide, skin, horn, or hoof of animals shall be moved by highway, railway, canal, river, or other mode of conveyance unless effectually covered. Hair or wool of cattle, sheep, or lambs included, Art. 7, O. C. 64.

If any hides, skins, horns, or hoofs are moved in contravention of this regulation, the person sending the same, and the person moving the same, shall be deemed guilty of an offence against this Order.

36. No regulation of this Order shall apply to the following hides, skins, horns, and hoofs; (that is to say),

(1.) Hides, skins, horns, or hoofs imported into the United Kingdom from India, Australia, South Africa, or America.

(2.) Hides, skins, horns, hoofs or glue pieces that have been effectually limed for manufacturing purposes.

But the burden of proving that any hides, skins, horns, or hoofs are such as are authorised by this regulation to be removed shall lie upon the person charged with moving the same in contravention of this Order.

Regulations as to Dogs.

37. A local authority may make such Orders as it thinks expedient for preventing the propagation of disease by means of dogs, and may order any stray dogs to be destroyed or otherwise disposed of as it thinks fit.

Cleansing of Pens and Trucks.

Modified by O. C., 26 May 1866, Art. 5. *See* O. C. 44.

38. Every railway or other company or person carrying animals for hire shall, on every occasion after any animal has been taken out of any pen, carriage, truck, or boat used by such company or person, and before any other animal or article is placed therein, thoroughly cleanse and disinfect every such pen, carriage, truck, or boat in such manner as the Board of Trade may from time to time direct.

The expression "truck" shall include any horsebox or other vehicle used in the carrying of animals.

If any pen, carriage, truck, or boat is at any time used in contravention of this regulation, the company or person by whom it is used shall, every time that such pen, truck, or boat is used, be liable to a penalty not exceeding five pounds.

Powers of Officers employed under this Order.

39. Any inspector or other officer empowered to carry this order into effect, may, if authorised so to do by any general or special order in writing of the local authority, enter any field, stable, cow shed, or other premises within his district, where he has reasonable grounds for supposing that cattle affected by disease are to be found, or have been, or have been buried, or otherwise disposed of, for the purpose of carrying into effect the provisions of this Order, or enter into the station or premises of any railway or other company or person carrying animals for hire, for the purpose of ascertaining whether the pens, carriages, trucks, boats, or other vehicles used by such company or person have been duly cleansed and disinfected; and if any person refuses admission to, or obstructs or impedes, or aids in obstructing or impeding any such inspector or other officer, he shall be deemed guilty of an offence against this Order.

40. It shall be lawful for any officer authorised by a local authority so to do, or for any constable or police officer, to inspect any railway truck, cart, boat, or other vehicle by land or by water, in which animals, hay, manure, litter, straw, and other articles used for or about animals, are carried, and to examine the person in charge of the same, with a view to ascertain whether any animals or articles are being moved in contravention of this Order; and such officer may, if he has reasonable grounds for suspecting that such animals or articles are being moved in contravention of this Order, apprehend, without warrant, the person in charge of the same, and bring him before a justice, who shall inquire into the case in a summary manner, and such justice, if satisfied that there are good grounds for suspecting that such animals or articles were moved in contravention of this Order, may direct, by writing under his hand, such animals or articles to be detained, and the person in charge thereof to be brought before two justices as soon as practicable, and such animal or articles may be detained and the person brought before the justices accordingly.

Upon such person being brought before the two justices they shall adjudicate on the case in a summary manner, and, if satisfied that the animals or articles were moved in contravention of this Order, may direct the same to be destroyed or otherwise disposed of, as they think most expedient for the prevention of the spreading of disease amongst animals.

The constable or other police officer detaining any animals in pursuance of this regulation shall cause them to be supplied with requisite food and water during their detention; and any expenses incurred by such officer in respect of such animals may be recovered in a summary manner from the person in charge, or from the owner of the animals.

41. It shall be lawful for any constable or police officer, or for any officer authorised by a local authority so to do, to stop and detain any animal moved, or which he has reasonable grounds for suspecting is being moved in contravention of this Order, and to apprehend, without warrant, the person in charge of such animal, and bring him before a justice, who shall inquire into the case in a summary manner; and such justice, if satisfied that such animal was being moved in contravention of this Order, may direct, by writing under his hand, the animal so moved to be detained, and the person in charge thereof to be brought before two justices as soon as practicable, and such animal may be detained and person brought before the justices accordingly.

Upon

Upon such person being brought before the two justices they shall adjudicate on the case in a summary manner, and, if satisfied that the animal was being moved in contravention of this Order, may direct the same to be slaughtered and buried, or to be otherwise disposed of, as they think most expedient for the prevention of the spreading of disease amongst animals.

Any constable, police or other officer detaining any animal shall cause it to be supplied with requisite food and water during its detention; and any expenses incurred by such officer in respect of any animal may be recovered in a summary manner from the person in charge, or from the owner of the animal.

42. If any person having charge of any animal or thing being moved on a highway, railway, canal, navigation, or river, for the moving whereof a license is requisite under this Order, being required by any constable, police officer, or officer authorized by a local authority, to produce the license (if any) for the moving of that animal or thing fails so to do, he shall be deemed guilty of an offence against this Order.

43. Every person guilty of an offence against this Order, shall for each such offence incur a penalty not exceeding twenty pounds; and where any such offence is committed with respect to more than four animals, a penalty not exceeding five pounds for each animal may be imposed instead of the penalty of twenty pounds. And where any such offence is committed with reference to any dung, offal, hay, litter, straw, or other thing, a further penalty not exceeding ten pounds, may be imposed for every half ton in weight of such dung or other thing after the first half ton.

44. Any local authority may appear before any justices, or in any legal proceedings, by its clerk, or by any agent authorized by it in writing, under the hands of two of its members, and any railway company or other body corporate may appear before any justices or in any legal proceedings by their secretary, or by any member of their board of management, or by any agent authorized in writing under the hands of any two members of such board.

Part III.

Repeal of Orders.

45. *So far as respects England and Wales, the Orders of 24th July* 1865, *23rd November* 1865, *16th December* 1865, *20th January* 1866, *6th February* 1866, *23rd February* 1866, *or so much thereof as may be in force, are revoked.*

(signed) *Arthur Helps.*

The First Schedule.

Districts of Local Authority.	Description of Local Authority of District set opposite its Name.	Local Rate.	Clerk of Local Authority.
Counties except the Metropolis.	The Justices in General or Quarter Sessions assembled.	The county rate, or rate in the nature of a county rate.	Clerk of the Peace.
The Metropolis - -	The Metropolitan Board of Works.	Rate or fund applicable to the payment of the general expenses of the Board.	The Clerk of the Metropolitan Board of Works.
City of London and the Liberties thereof.	The Court of the Lord Mayor and Aldermen.	Consolidated sewers rate -	Town Clerk.
Boroughs - - - -	The Mayor, Aldermen, and Burgesses acting by the Council.	The Borough fund or Borough rate.	Town Clerk.
District of Local Board of Oxford.	The Local Board - -	Rate leviable by the Local Board.	Clerk of the Local Board.

The Second Schedule is inoperative.

(33.)

At the Council Chamber, Whitehall, the 11th day of April 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.	Sir George Grey, Bart.
Lord Privy Seal.	

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled, "An Act to prevent until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time, to make such Orders and Regulations as to them may seem necessary, for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared, and now prevails, amongst cattle in Scotland:

And whereas divers Orders have been made by the Lords of the said Council in relation to the cattle plague, and it is expedient to consolidate, amend, and add to the said Orders:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby, in exercise of the powers given under the said Act so continued as aforesaid, order as follows:

Preliminary.

1. This Order shall come into force on the 16th of April 1866, and shall remain in force until it is revoked or altered.

2. This Order shall apply to Scotland only, subject to the limitation hereinafter expressed.

PART I.

Definitions.

3. In the construction of this Order the following terms shall have the meanings hereinafter assigned to them; that is to say,

"Person" shall include a body of persons, corporate or unincorporate:

"Cattle" shall mean bull, bullock, cow, ox, heifer, or calf:

"Animal" shall mean cattle as above defined, sheep, lambs, goats, and swine:

"Disease" shall mean the cattle plague:

"Diseased" shall mean affected by the cattle plague:

"Privy Council" shall mean the Lords and others of Her Majesty's most Honourable Privy Council, or any two of them:

"Burgh" shall mean any town which returns or contributes to return a Member or Members to Parliament:

"County" shall not include a county of a city or county of a town:

Detached

Detached parts of counties shall be considered as forming part of the county by which they are surrounded, or if partly surrounded by two of more counties, then as forming part of that county with which they have the longest common boundary.

Every place that is not, according to the foregoing definitions, a burgh or county, shall be deemed to form part of the county, as hereinbefore defined, to the county rate of which it is assessed, or, if not so assessed, of the county within which it is situate.

Local Authority.

4. For the purposes of this Order, "District," "Local Authority," "Local Rate," and "Clerk of Local Authority" shall respectively mean the places, bodies of persons, rate, and officer in the first Schedule hereto annexed in that behalf mentioned.

5. Any local authority may from time to time form one or more committee or committees consisting wholly of its own members, or partly of its own members and partly of such other persons, being rated occupiers in the district, and qualified in such other manner as the local authority may determine, and may delegate, with or without conditions or restrictions, to any committee so formed, all or any powers conferred on the local authority by this Order, and may from time to time revoke, add to, or alter any powers so given to a committee.

A committee may elect a chairman of its meetings. If no chairman is elected, or if the chairman elected is not present at the time appointed for holding a meeting, the members present shall choose one of their number to be chairman of such meeting. A committee may meet and adjourn as it thinks proper. The quorum of a committee shall consist of such number of members as may be prescribed by the local authority that appointed it, or, if no number be prescribed, of three members. Every question at a meeting shall be determined by a majority of votes of the members present, and voting on that question; and in case of an equal division of votes the chairman shall have a second or casting vote.

The proceedings of a committee shall not be invalidated by any vacancy or vacancies amongst its members.

A local authority may from time to time add to or diminish the number of the members, or otherwise alter the constitution of any committee formed by it under this Order, and may dissolve any such committee and form a new one in its place.

Any committee formed under the provisions of the Cattle Diseases Prevention Act, 1866, shall be deemed to be a committee of a local authority for the purposes of this Order, within the district of such local authority as defined by this Order.

6. The local authority of any burgh which is assessed to the police rate of any county may, with the consent of the local authority of such county, such consent being testified in writing, by a letter signed by the clerk of such last-mentioned authority, declare, by notice published in any newspaper circulating within such county, that such burgh is annexed to such county for the purposes of this Order, and from the date of the publication of such notice such burgh shall, for the purposes of this Order, form part of the district of the local authority of such county.

7. Every local authority shall perform all such duties as are imposed upon it by this Order, and shall make such reports to the Privy Council as the Council may from time to time require.

Appointment of Officers, &c.

8. Every local authority shall from time to time appoint such inspectors or other officers as it thinks necessary to carry into effect the provisions of this Order within its district; it shall assign them such duties, and award them such salaries and allowances as it thinks expedient, and may revoke any appointment so made.

9. Every inspector or other officer appointed by a local authority previously to the date of this Order, for any purpose relating to the cattle plague, and

holding office at such date, shall be deemed an inspector or officer for the purposes of this Order within the district of such local authority as defined by this Order, and be subject to the provisions thereof, in the same manner as if he had been appointed thereunder.

10. Every inspector shall furnish the Privy Council with such information in regard to the cattle plague as they may from time to time require.

11. Every local authority may provide and supply, without charge, printed copies of any documents or forms requisite for the purposes of this Order.

12. All expenses incurred by a local authority in carrying into effect this Order shall be defrayed out of the local rate.

13. Any person appointed or to be appointed by the Privy Council an inspector for the purposes of this Order shall, throughout the whole of Scotland, have all the powers which an inspector appointed by a local authority has within his district, and any direction of the Privy Council shall, as respects such inspector, be of the same validity as a direction of a local authority in the case of an inspector appointed by it.

Part II.

Diseased Animals.

14. Every person having in his possession or under his charge any diseased animal shall forthwith give notice thereof to such officer as may have been appointed by the local authority of the district to receive such notices; or, if no such officer has been appointed, to a police constable, whose duty it shall be to report without delay to the local authority the fact of such notice having been given to him. Any person failing to comply with this regulation as to giving notice shall be deemed guilty of an offence against this Order.

15. Every person having in his possession or under his charge any diseased animal shall, as far as practicable, keep such animal separate from animals not diseased. Any person failing to comply with this regulation shall be deemed guilty of an offence against this Order.

16. No diseased animal, and no animal which has, within the preceding 28 days, been in the same shed or stable, or in the same herd or flock, or in contact with a diseased animal, shall be removed alive from the premises where such animal may be except with a license from the local authority of the district, which license shall only permit the removal of such animal to some place within the district of such local authority, where it can be conveniently slaughtered, or kept apart from all other animals until such local authority is satisfied that there is no reasonable probability of such animal propagating disease; provided that no such license shall authorize such animal to be removed in contravention of the 17th regulation of this Order.

If any animal is removed in contravention of this regulation, the person causing, directing, or permitting the removal of such animal, and also the person removing the same, shall respectively be deemed guilty of an offence against this Order.

17. No diseased animal, and no animal that has within the preceding 28 days been in the same shed or stable, or in the same herd or flock, or in contact with a diseased animal, shall—

1. Be placed or kept in any common or uninclosed land, or in any field or other place insufficiently fenced;
2. Be sent or brought to any fair or market, or exposed for public sale;
3. Be driven along or allowed to stray upon any highway or the sides thereof;
4. Be sent or carried by any railway, canal, river, or other inland navigation, or by any coasting or sea-going vessel.

If any animal is dealt with in contravention of this regulation, the owner of such animal, and also the company or person other than the owner dealing with the same in contravention of this regulation, shall be deemed guilty of an offence against this Order.

18. Where

18. Where any offence is committed with respect to any animal under the 14th, 15th, 16th, and 17th regulations of this Order, or any of them, the local authority of the district, and any authority of a fair or market in which such animal may be, may, by themselves or their officers, cause such animal to be slaughtered and buried, and recover from the owner in a summary manner all expenses so incurred.

19. All diseased animals, whether they have been slaughtered or have died of the disease, shall be buried by the owner as soon as practicable in some proper place, with their skins slashed in such a manner as to prevent their being made of any use, and with a sufficient quantity of quicklime or other disinfectant, and shall be covered with at least five feet of earth, or shall be otherwise disposed of in such manner as may be directed by any regulations made by the local authority, and approved by the Privy Council.

If any diseased animal is not buried or otherwise disposed of in pursuance of this regulation, the owner of such diseased animal shall be deemed guilty of an offence against this Order, and it shall be lawful for the local authority to bury or otherwise dispose of any such animal, and to use any convenient place on the premises of the owner for that purpose.

The local authority may recover from the owner in a summary manner any expenses incurred by it under this regulation.

20. No person shall dig up any diseased animal, or part of a diseased animal. Any person acting in contravention of this regulation shall be deemed guilty of an offence against this Order.

21. Every local authority shall within its district, at its own expense, cause the premises in which diseased animals have been to be thoroughly cleansed and disinfected; and the occupier of such premises shall give all facilities for such cleansing and disinfecting. Any occupier of premises failing to give such facilities shall be deemed guilty of an offence against this Order.

22. No fresh animal shall be admitted into any yard, shed, stable, field, or other premises in which a diseased animal has been kept while affected by disease, or has died, or been slaughtered, until the expiration of 30 days after the cleansing and disinfecting of such premises. If any fresh animal is admitted into any yard, shed, stable, field, or other premises in contravention of this regulation, the occupier of such yard, shed, stable, field, or other premises shall be deemed guilty of an offence against this Order.

23. The dung of a diseased animal, and all hay, straw, or litter, or any other article that has been in contact with or used about a diseased animal, shall be destroyed, or, with the sanction of the local authority, shall be disinfected and dealt with to the satisfaction of the inspector. If such dung, hay, straw, litter, or any other article is not destroyed or disinfected and dealt with in pursuance of this regulation, the local authority may cause the same to be destroyed or disinfected, and recover in a summary manner all expenses incurred by it from the occupier of the premises on which such articles were found, and in addition thereto such occupier shall be deemed guilty of an offence against this Order.

24. The dung of a diseased animal, and all hay, straw, or litter, or any other article that has been in contact with or used about a diseased animal, shall not be removed from the premises where such animal has been, except for the purpose of being destroyed or disinfected, and dealt with in compliance with this Order and with a license of an inspector specifying the place at which it is to be destroyed or disinfected and dealt with, and shall not be removed beyond the limits of the district of the local authority in which the said premises are situated without the consent in writing of the local authority into whose district it is moved. If such dung, hay, straw, litter, or other article is removed in contravention of this regulation, the occupier of the premises from which it is removed, and also the person removing the same, shall be respectively deemed guilty of an offence against this Order; and it shall be lawful for the local authority to destroy or disinfect any such article, and to recover the expenses of such destruction or disinfection from the said occupier.

25. Every local authority shall direct the disinfecting of clothes of, and the use of due precautions by, inspectors and other officers brought into contact with

diseased animals with a view to prevent such inspectors or officers spreading contagion. Any inspector or officer disobeying the directions of any local authority as to such disinfection and use of due precautions shall be deemed guilty of an offence against this Order.

Infected Places.

26. The authorities hereinafter mentioned, that is to say, any local authority as to any place within its district shall, and the Privy Council as to any place in Scotland may, by Order made at any time after the passing of this Order, and published in manner hereinafter mentioned, declare any place in which disease amongst animals at that time exists, together with such an area, including such place, as to such authority may seem to be required, to be an "infected place," from and after a date to be specified in such Order; and the authority declaring the place to be infected may, at the expiration of one month after the disappearance of disease in that place, by Order published in like manner, declare such place to be free from disease, and after the publication of such last-mentioned Order such place shall cease to be an "infected place" within the meaning of this Order, unless again declared in manner aforesaid to be an "infected place."

Any local authority may include in the area of an "infected place" any adjoining part of the district of another local authority, with the consent of such last-mentioned authority, testified in writing by a letter signed by the clerk of such authority.

The area of an "infected place" may be described by reference to a map deposited at some specified place, or by reference to parishes, townships, farms, or otherwise, as the authority may think expedient.

An Order declaring a place to be an "infected place" shall be published by notice being posted up in or near the "infected place," and, so far as is possible, in all places where notices are usually posted up, within five miles of such "infected place," or in such other manner as the authority declaring the place to be infected may think expedient.

The local authority, on declaring any place infected, shall forthwith report by post to the Privy Council the fact of such declaration having been made.

No objection shall be taken in any legal proceeding in respect of an "infected place" on the ground that due notice has not been given of such place having been declared to be an "infected place."

Any Order made by the Privy Council under this regulation shall supersede any Order inconsistent with it that may have been made by a local authority.

27. The following rules shall be observed with respect to "infected places," in addition to the other regulations of this Order with respect to diseased animals; that is to say:—

1. No animal shall be moved out of an "infected place:"

2. No hides, skins, horns, hoofs, or offal of animals shall be moved out of an "infected place," without the license of some officer of the local authority appointed to issue such licenses, certifying that such articles have not formed part of a diseased animal, and, if necessary, have been properly disinfected:

3. No carcase of, or undressed meat that has formed part of, any bull, bullock, cow, ox, heifer, or calf shall be moved out of an "infected place" without the license of some officer of the local authority appointed to issue such licenses, certifying that such carcase is not that of a diseased animal, or that such meat has not formed part of a diseased animal:

4. No dung of animals, and no hay, straw, litter, or other articles forming food of animals, or used for or about animals, shall be removed without the license of some officer of the local authority appointed to issue such licenses certifying that such articles have not been in contact with or used about a diseased animal:

5. A license for the purpose of this regulation must be in writing, and shall not authorise the removal of any articles beyond the district of the local authority in which the infected place is situate without the license of the local authority into whose district it is proposed to move such articles.

If

If any animal, dung of animals, hide, skin, horn, hoof, offal, meat, hay, straw, litter, or other articles is or are moved in contravention of this regulation, the owner of such animal or articles, and also the person moving the same, or causing, directing, or permitting the same to be moved, shall respectively be deemed guilty of an offence against this Order.

All constables and police officers shall enforce the provisions of this regulation to the utmost of their power, and may apprehend all persons committing any offence against this regulation, and may require all animals and articles being moved out of such place in contravention of this regulation to be forthwith taken back within the limits of such place.

This regulation shall not apply to any animal or article carried by railway through an infected place.

Markets and Fairs.

28. No market, fair, auction, exhibition, or sale of cattle shall be held until the 1st day of June 1866, except as herein-after mentioned; that is to say:— Suspended 11 Aug. 1866, O. C. 66.

First. Cattle belonging to the owner or occupier of premises that are not situate within the limits of an infected place, if the cattle are free from disease, and have been in the possession of the owner or occupier not less than 28 days immediately previous to the sale, may be sold on such premises:

Secondly. Markets may be held, with the license of the Privy Council, for the sale of cattle intended for immediate slaughter: Provided that no cattle shall be removed from such market until they have been marked in the manner in which cattle are ordinarily marked for slaughter, according to the custom of such market, or, if there is no such custom, by clipping the hair off the end of the tail; and all cattle required to be marked by this regulation shall be slaughtered within four days from the date of the holding of such market (if sold) by or by the order of the purchaser, or (if not sold) by or by the order of the owner, and shall in no instance be taken beyond the limits described in the license of the Privy Council allowing such market, and under such conditions with respect to their movement within such limits as may be imposed by such license.

If any cattle are sold in contravention of this regulation, both the seller and the purchaser of such cattle shall be deemed guilty of an offence against this Order.

If any cattle required to be marked by this regulation are not so marked, the persons for the time being in charge of such cattle shall be deemed guilty of an offence against this Order.

If any cattle required to be slaughtered by this regulation are not so slaughtered, the purchaser or owner of such cattle or his agent (as the case may be) shall be deemed guilty of an offence against this Order.

If any cattle are removed in contravention of this regulation, the person removing such cattle, and the person causing, directing, or permitting the removal of such cattle, shall respectively be deemed guilty of an offence against this Order.

29. No sheep, lambs, goats, or swine shall be brought into or exposed for sale in any market licensed for the sale of cattle under the last preceding regulation, except for the purpose of immediate slaughter, and all such sheep, lambs, goats, and swine, when brought into or exposed for sale in any such market, shall be subject to the last preceding regulation, in the same manner as if they were cattle, except that they shall be marked in such manner as the market authority may direct, instead of in the manner prescribed by the said regulation. Suspended 11 Aug. 1866, O. C. 66

Foreign Cattle.

30. Until the 1st of June 1866, all cattle brought by sea from any place out of the United Kingdom into any town or place in Scotland shall be marked by clipping the hair off the end of the tail, and no such cattle shall be removed alive from such town or place except by sea. Continued by O.C. 40, and modified by Art. 2 and 3 of same Order, and also O. C. 96, 99.

"Town or place" in this regulation shall, according to circumstances, mean as follows:

1. the area of any burgh, or such other limits as may be defined by the Privy Council in respect of such burgh.
2. In the case of any other town or place, such area as may be defined by the Privy Council to constitute such town or place.

Cattle brought by Sea from any Part of the United Kingdom into Scotland.

See O. C. 67.

31. No cattle brought by sea from any place in the United Kingdom into any town or place in Scotland shall be removed from such town or place alive, without a certificate from the local authority, having jurisdiction in such town or place, that such cattle have been examined by some officer apppointed for that purpose by such authority, and that such cattle are free from disease; but such certificate shall not exempt such cattle from any other regulation of this Order with respect to the movement of cattle or otherwise: Provided, nevertheless, that in the case of cattle landed in any place in Scotland from Ireland, the certificate of the local authority that such cattle are free from disease shall be accepted, in the case of a fat-stock license, by the person authorised to grant the same as sufficent for the purpose of granting such license; and in the case of a store-stock license, such certificate shall be accepted by the local authority as equivalent to the declaration of the owner or his agent, and to the certificate of the occupiers, required by the form of the said store-stock license.

"Town or place" shall in this regulation have the same meaning as in the preceding regulation.

General Regulations.

Movement of Cattle.

Suspended by O. C. 66.

32. No cattle shall be moved on any highway between sunset and sunrise, except within the limits of a burgh.

No cattle, except as hereinafter provided, shall be moved by or upon any railway, canal, navigation, river, or highway, or by any vessels coastwise, without a license, save for a distance not exceeding five hundred yards from one part of the same farm to another.

Licenses shall be of two descriptions—

1. A license for cattle intended for immediate slaughter, hereinafter called a fat-stock license:
2. A license for other cattle, hereinafter called a store-stock license.

A fat-stock license shall be in the form, and contain the particulars, and be signed in the manner appearing in the form marked A. in the second schedule, annexed hereto, or as near thereto as circumstances admit.

A store-stock license shall be in the form, and contain the particulars, and be signed in the manner appearing in the form marked B. in the said second schedule, or as near thereto as circumstances admit.

No cattle shall be moved as aforesaid out of the district of the local authority in which they are, without a license in one of the forms aforesaid, such form being applicable to the class of cattle moved; but where cattle are moved only within the district of a local authority, or from one part of a farm beyond such district to another part within it, that local authority may make such regulations for their removal with or without license as it thinks fit, so that the conditions of such licenses when granted be not more stringent than the conditions of the licenses in the said second schedule.

If any cattle are moved in contravention of this regulation, the owner of such cattle, and the person directing or permitting the removal of the same, and the company or person conveying the same, shall respectively be deemed guilty of an offence against this Order.

Cattle brought by land from England into Scotland may be moved in Scotland with the same licenses that in England authorise their removal from the district of one local authority to another, in pursuance of any Order of the Privy Council in force for the time being.

33. No

33. No person shall drive or allow any cattle under his charge to be driven or to stray into any enclosed field without the consent of the owner or occupier thereof, and any person acting in contravention of this regulation shall be deemed guilty of an offence against this Order.

Movement of Hides and Skins, &c.

34. No hide, skin, horn, or hoof of animals shall be moved by highway, railway, canal, river, or other mode of conveyance unless effectually covered.

If any hides, skins, horns, or hoofs are moved in contravention of this regulation, the person sending the same and the person moving the same shall be deemed guilty of an offence against this Order.

35. No regulation of this Order shall apply to the following hides, skins, horns, and hoofs (that is to say):

(1.) Hides, skins, horns, or hoofs imported into the United Kingdom from India, Australia, South Africa, or America:

(2.) Hides, skins, horns, hoofs, or glue pieces that have been effectually limed for manufacturing purposes.

But the burden of proving that any hides, skins, horns, or hoofs are such as are authorised by this regulation to be removed, shall lie upon the person charged with moving the same in contravention of this Order.

Regulations as to Dogs.

36. A local authority may make such orders as it thinks expedient for preventing the propagation of disease by means of dogs, and may order any stray dogs to be destroyed or otherwise disposed of as it thinks fit.

Cleansing of Pens and Trucks.

37. Every railway or other company or person carrying animals for hire shall, on every occasion after any animal has been taken out of any pen, carriage, truck, or boat used by such company or person, and before any other animal or article is placed therein, thoroughly cleanse and disinfect every such pen, carriage, truck, or boat, in such manner as the Board of Trade may from time to time direct. Modified by O. C. 40, and 44.

The expression "truck" shall include any horsebox or other vehicle used in the carrying of animals.

If any pen, carriage, truck, or boat is at any time used in contravention of this regulation, the company or person by whom it is used shall, every time that such pen, truck, or boat is used, be liable to a penalty not exceeding five pounds.

Powers of Officers employed under this Order.

38. Any inspector or other officer empowered to carry this Order into effect, may, if authorised so to do by any general or special Order in writing of the local authority, enter any field, stable, cow-shed, or other premises within his district where he has reasonable grounds for supposing that cattle affected by disease are to be found or have been, or have been buried or otherwise disposed of, for the purpose of carrying into effect the provisions of this Order, or enter into the station or premises of any railway or other company or person carrying animals for hire, for the purpose of ascertaining whether the pens, carriages, trucks, boats, or other vehicles used by such company or person have been duly cleansed and disinfected; and if any person refuses admission to, or obstructs or impedes, or aids in obstructing or impeding any such inspector or other officer, he shall be deemed guilty of an offence against this Order.

39. It shall be lawful for any officer authorised by a local authority so to do, or for any constable or police officer, to inspect any railway truck, cart, boat, or other vehicle by land or by water, in which animals, hay, manure, litter, straw, and other articles used for or about animals, are carried, and to examine the person in charge of the same, with a view to ascertain whether any animals or articles are being moved in contravention of this Order; and such officer

may, if he has reasonable grounds for suspecting that such animals or articles are being moved in contravention of this Order apprehend without warrant the person in charge of the same, and bring him before a justice, who shall inquire into the case in a summary manner, and such justice, if satisfied that there are good grounds for suspecting that such animals or articles were moved in contravention of this Order, may direct, by writing under his hand, such animals or articles to be detained, and the person in charge thereof to be brought before two justices as soon as practicable, and such animals or articles may be detained and the person brought before the justices accordingly.

Upon such person being brought before the two justices they shall adjudicate on the case in a summary manner, and if satisfied that the animals or articles were moved in contravention of this Order, may direct the same to be destroyed or otherwise disposed of, as they think most expedient for the prevention of the spreading of disease amongst animals.

The constable or other police officer detaining any animals in pursuance of this regulation shall cause them to be supplied with requisite food and water during their detention; and any expenses incurred by such officer in respect of such animals may be recovered in a summary manner from the person in charge, or from the owner of the animals.

40. It shall be lawful for any constable or police officer, or for any officer authorised by a local authority so to do, to stop and detain any animal moved, or which he has reasonable grounds for suspecting is being moved in contravention of this Order, and to apprehend without warrant the person in charge of such animal, and bring him before a justice, who shall inquire into the case in a summary manner; and such justice, if satisfied that such animal was being moved in contravention of this Order, may direct, by writing under his hand, the animal so moved to be detained and the person in charge thereof to be brought before two justices as soon as practicable, and such animal may be detained and person brought before the justices accordingly.

Upon such person being brought before the two justices they shall adjudicate on the case in a summary manner, and if satisfied that the animal was being moved in contravention of this Order, may direct the same to be slaughtered and buried, or to be otherwise disposed of, as they think most expedient for the prevention of the spreading of disease amongst animals.

Any constable, police or other officer, detaining any animal, shall cause it to be supplied with requisite food and water during its detention; and any expenses incurred by such officer in respect of any animal may be recovered in a summary manner from the person in charge, or from the owner of the animal.

41. If any person having charge of any animal or thing being moved on a highway, railway, canal, navigation, or river, for the moving whereof a license is requisite under this Order, being required by any constable, police officer, or officer authorised by a local authority, to produce the license (if any) for the moving of that animal or thing, fails so to do, he shall be deemed gulity of an offence against this Order.

42. Every person guilty of an offence against this Order shall, for each such offence, incur a penalty not exceeding 20 *l.*; and where any such offence is committed with respect to more than four animals, a penalty not exceeding 5 *l.* for each animal may be imposed instead of the penalty of 20 *l.* And where any such offence is committed with reference to any dung, offal, hay, litter, straw, or other thing, a further penalty not exceeding 10 *l.* may be imposed for every half-ton in weight of such dung or other thing after the first half-ton.

43. Any local authority may appear before any justices, or in any legal proceedings, by its clerk, or by any agent authorised by it in writing under the hands of two of its members; and any railway company or other body corporate may appear before any justices or in any legal proceedings by their secretary, or by any member of their board of management, or by any agent authorised in writing under the hands of any two members of such Board.

44. Certain

Part III.

Repeal of Orders.

44. *So far as respects Scotland, the Orders of 24th July* 1865, *23rd November* 1865, *16th December* 1865, *20th January* 1866, *6th February* 1866, *23rd February* 1866, *or so much thereof as may be in force, are revoked.*

45. The foregoing regulations shall not apply to the "North Western District of Scotland," as defined and described in an Order in Council, dated 3rd November 1865 ; and in another Order in Council, dated 14th March 1866 ; and the said North Western District of Scotland shall remain subject to the provisions of the said Orders, which, except to the extent hereinafter modified, shall continue in force until revoked or altered.

46. Section 3 of the Order of 14th March 1866 is hereby revoked.

47. Revoked 7th June 1866.

48. A local authority may make such orders as it thinks expedient for preventing the propagation of disease by means of dogs, or by the introduction of bones or artificial manures, dung, hay, straw, fodder, or litter, or any other articles which, in the opinion of such local authority, are likely to propagate disease ; and may order any stray dogs, and such of the said articles as are introduced in contravention of the said Orders, to be destroyed, or otherwise disposed of as it thinks fit.

49. No animal shall be removed into any county or district without the license in writing of the local authority of such county or district, or of a person appointed by the local authority to grant such license, and any person obtaining a license shall fulfil all the conditions contained therein. Suspended O. C. 66.

50. It shall be competent for any local authority within the said North Western District of Scotland to adopt and enforce all or any of the foregoing regulations not at present made applicable to the said North Western District.

(signed) *Arthur Helps.*

The First Schedule.

Districts of Local Authority.	Description of Local Authority of District set opposite its Name.	Local Rate.	Clerk of Local Authority.
Counties, including any Town or Place which does not return, or contribute to return, a Member to Parliament.	The Persons appointed in Sec. 5 of "The Cattle Diseases Prevention Act, 1866."	Rate appointed to be levied in Sec. 21 of "The Cattle Diseases Prevention Act, 1866."	Clerk of Supply.
Burghs which return, or contribute to return, a Member to Parliament.	The Magistrates and Town Council.	Ditto - - ditto - -	Town Clerk.

The Second Schedule.

A.

Fat Stock License.

A. B., of (*a*) , hereby license the removal of the under-mentioned fat cattle, marked with the letter X (*b*), from the premises of , of , in the county of , to (*c*) , at in the county of , such cattle to proceed as follows: (*d*) .

And I grant this license after satisfying myself that the said premises are not within an infected place, and that no case of cattle plague has existed on the said premises, or within one mile of the outward boundary of such premises, within 28 days immediately preceding the date of this license; and that the said animals have been on the said premises

(*a*) This license may be granted by the local authority of the place from which the cattle are removed, or any person appointed by such local authority to grant such license.
(*b*) The cattle must be marked with the letter X on the hind quarter.
(*c*) Here insert licensed market or place of slaughter, &c.
(*d*) Describe route. The highway, if the animals proceed by highway, must not pass through, or within, a mile of, the outward boundary of any "infected place."

premises for the said period of 28 days (*a*). This license shall be in force for (*b*) days, and no longer.

Dated, &c. &c.

Description of Cattle.

Number of Cattle.	Breed.	Age.	Bull, Cow, Ox, or Calf.

(signed) "_____."

B.

Store Stock License.

I, , of , in the county of , having jurisdiction by virtue of appointment by the local authority in the place from which it is proposed to move the under-mentioned animals, having satisfied myself of the correctness of the declaration annexed hereto, hereby license the person under-mentioned to move the said animals by the under-mentioned route, provided that the said animals shall not be driven through any "infected place," or within one mile of the outward boundary of such place.

Number and Description of Animals.	Name and Address of *Seller* or *Owner*.	Route to be taken.	Name and Address of the Buyer, Owner, or Person to whose Premises the Animal is to be sent for Breeding Purposes.	Name of Drover, &c.

This License shall be available for six days, and no longer.

C.

Declaration of Owner or his Agent (*c*).

(*To be annexed to foregoing License.*)

I, *A. B.*, of , in the county of , do hereby declare that the cattle marked (which I have sold) (*d*) to are free from cattle plague, and that no case of cattle plague has, within the two months immediately preceding my making this declaration, existed upon the premises from which I desire to move such cattle, or within two miles of the outward boundary of such premises: And I further declare that the said cattle have all of them been on the said premises for 28 days

(*a*) In the case of cattle landed in any place in Scotland from Ireland, the certificate of the local authority of the town or place at which they are landed, given in pursuance of Regulation 31 of this Order, that such cattle are free from disease, shall be accepted by the person authorised to grant this license as sufficient for the purpose of granting such license.

(*b*) Not to exceed three days.

(*c*) This declaration must be made by the owner, or his agent, in the presence of the local authority, or person appointed by them for that purpose. In the case of cattle landed in any place in Scotland from Ireland the certificate of the local authority to the effect that the cattle are free from disease shall be accepted as equivalent to the declaration of the owner or his agent and the certificate of the two occupiers.

(*d*) If the cattle are being removed on change of tenancy or on change of pasture, or from premises in one place to premises in another in the occupation of the same person, insert instead of the words [which I have sold] the words [which I desire to move from to].

If the cattle are required to be moved for the purpose of breeding, insert instead of the words [which I have sold] the words [which I desire to send for breeding purposes to].

days immediately preceding my making this declaration, and have not during that time been in contact with any newly-purchased animals.

Dated this day of .

Signed by [*Declarant*].

Certificate to accompany Declaration.

We, the undersigned, being each of us occupiers of upwards of 100 acres of land, and living within a distance of (*a*) miles of the premises of *A. B.*, have viewed the cattle described in his declaration, and to the best of our knowledge certify them to be free from cattle plague; and we believe that the statements contained in the declaration of the said *A. B.* are correct.

Dated

I. J., of *O.*
K. L., of *P.*

(40.)

At the Council Chamber, Whitehall, the 26th day of May 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

Present:

Lord President.

Lord Privy Seal.	Mr. Milner Gibson.
Sir George Grey, Bart.	Mr. Bruce.

Whereas by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals:"

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared, and now prevails, amongst cattle in England and Wales:

And whereas divers Orders in pursuance of the said recited Act have been made by the Lords of the said Council in relation to the said Cattle Plague, which were consolidated and amended by Orders bearing date the 24th day of March and the 11th day of April 1866, and such last Orders have been since altered

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(*a*) The occupiers must, if possible, be persons living within two miles' distance from the premises of A.B. If they live at a greater distance than two miles from those premises, the local authority, or person appointed by them for that purpose, must satisfy himself that they have reasonable means of knowing the truth of the facts which they certify.

altered and extended by other Orders of the Council since duly issued, one of which, bearing date the 14th day of April 1866, relates to South Wales:

And whereas some of the regulations contained in the said Orders will cease on the 1st day of June next following, and it is expedient that the same should be continued, and that farther regulations should be made in regard to the landing of foreign cattle, the movement of cattle, and the cleansing of pens and the movement of hay and straw as herein provided:

Now, therefore, the Lords of the said Council do hereby order as follows, that is to say:

Continuing parts of O. C. 28 and 33.

Art. 1. All the regulations contained in the said Orders above referred to, which, if this Order had not been made, would have ceased and determined on the 1st day of June next, shall be continued and be in force until the Lords of the said Council shall hereafter otherwise order.

Modified by O. C. 96, Art. 1, and 99, Art. 1, also O. C. 112 and 134.

Art. 2. All cattle brought by sea from any place out of the United Kingdom, except the Channel Islands and the Isle of Man, and landed at any place in the United Kingdom, shall be taken forthwith to the market held and duly licensed by the Lords of the Council for the sale of cattle, for immediate slaughter, if any such there be within the said place, which shall be held within four days from the landing of such cattle; and if there be no such market duly licensed within such place, or if the market duly licensed shall not be held within four days from the landing of such cattle, such cattle shall be slaughtered at such place before the expiration of such four days.

Art. 3. All lambs, sheep, goats, and swine brought by sea from any place out of the United Kingdom into any town or place in the United Kingdom, in the same vessel with any foreign cattle, shall be dealt with in all respects as such foreign cattle, and shall be subject to all the regulations applicable to such foreign cattle brought by sea into any such town or place.

Modified by O. C. 139.

Art. 4. The local authority shall, with the view of preventing the spread of the said disorder, with all convenient speed after the issuing of this Order, make regulations with respect to the movement of commonable animals on, to, from, and through the commons and wastes within its jurisdiction, whereon there shall exist any right of common, and the depasturing, or for the prohibition of the depasturing of such commonable animals thereon, and shall publish such regulations by notice in some newspaper circulating in the neighbourhood of the commons or wastes to which they relate; and after the lapse of four days from such publication no animal shall be moved on, to, from, or through, or be depastured on such common or waste in contravention of such regulation.

Modified by O. C. 44.

Art. 5. Notwithstanding anything in the said Orders otherwise provided, it shall be sufficient if the pen which shall be used for any animal shall be thoroughly cleansed and disinfected in the manner directed by the Board of Trade once in every 24 hours during the time when it shall be used for any such animal, and at such other times as the said Board of Trade shall require.

Art. 6. The regulations in the said Orders contained relating to the movement of hay and straw out of infected places shall not apply to hay or straw used in the packing and storing of goods where the owner, seller, or purchaser of such goods, who shall pack or store the goods or shall cause the same to be packed or stored, shall prove upon any inquiry to the satisfaction of the local authority of the district out of which and into which such goods shall be brought respectively, or of some person employed by them in this behalf, that such hay or straw is not infected, and has not been in contact with any diseased animal, or with any matter or thing which has been in such contact during the period of (28) days previous to the day when the same is so being used.

Art. 7. Revoked, 5 March 1867.

Art. 8. This Order shall be construed in like manner as the said Orders of the 24th day of March and the 11th day of April, and all the provisions of such last-mentioned Orders now in force shall apply to this Order respectively, except so far as they may be inconsistent with anything herein contained.

(signed) *Arthur Helps.*

(44.)

At the Council Chamber, Whitehall, the 1st day of June 1866.

PRESENT:

The Right Hon. Thomas Milner Gibson. | The Right Hon. William Monsell.

WHEREAS by Orders of the Lords of Her Majesty's Most Honourable Privy Council, made the 24th day of March, and the 11th day of April, 1866, under the Act 11th and 12th Victoria, chapter 107, and other Acts, it is ordered, among other things, that every railway or other Company or person carrying animals for hire within any part of Great Britain (except the North-Western District of Scotland, in the said Order of 11th April 1866 excepted), and using any pen, carriage, truck, or boat for holding or carrying animals shall, on every occasion after any animal has been taken out of such pen, carriage, truck, or boat, and before any other animal is placed therein, thoroughly cleanse and disinfect every such pen, carriage, truck, or boat in such manner as the Board of Trade shall direct; and by a like Order, made on the 26th day of May 1866, it is ordered that, notwithstanding anything in the said recited Orders otherwise provided, it shall be sufficient if the pen which shall be used for any animal shall be thoroughly cleansed and disinfected in the manner directed by the Board of Trade once in every 24 hours during the time when it shall be used for any such animal, and at such other times as the said Board of Trade shall require: Now, therefore, the Lords of the Committee of Privy Council for Trade hereby direct that the cleansing and disinfecting of pens, carriages, trucks, and boats required by the said recited Orders, shall be done in manner following (that is to say): by sweeping out and effectually removing all dung, sawdust, litter, or other matter, and then by applying to the floor and to all parts above the floor of the pen, carriage, or truck, and to the sides, floor, and ceiling of the hold of the boat, and to every other part of the boat with which animals or their droppings come in contact, a coating of lime-wash, made up by mixing good freshly burnt lime with water, and containing in each gallon of lime-wash either one-fifth of a pint of carbolic acid, or one-fifth of a pint of cresylic acid, or four ounces of fresh dry chloride of lime, such lime-wash to be prepared immediately before use.

In every case the sweepings to be well mixed with quick lime, and effectually removed from contact with animals.

In the above-mentioned Orders "animal" means bull, bullock, cow, ox, heifer, calf, sheep, lamb, goat, and swine; and "truck" includes horse-box or other vehicle used in the carrying of animals.

The foregoing directions shall come into force on the 4th day of June 1866, in substitution for the directions of the Board of Trade for the cleansing and disinfecting of pens, carriages, trucks, and boats, dated the 16th day of April 1866.

(60.)

At the Council Chamber, Whitehall, the 31st day of July 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Mr. Corry.
Mr. Secretary Walpole. |

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other

things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time, to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared, and now prevails, amongst cattle in Scotland:

And whereas divers Orders have been made by the Lords of the said Council in relation to the Cattle Plague, under which Orders it is competent for the local authorities constituted thereby to make Orders or Regulations binding within their respective districts, and it is expedient that provision should be made for the publication of the Orders or Regulations of such Local Authorities:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby, in exercise of the powers given under the said Act so continued as aforesaid, order as follows:

1. The Orders and Regulations made after the date of this Order by any local authority, under any Order of Council, shall be published in some newspaper circulating within the district for which such local authority acts, and also in some newspaper circulating within the district or districts bordering on or contained within the district for which such local authority acts.

2. In the construction of this Order, the terms "district" and "local authority" shall have the meanings assigned to them in the Order of 11th April 1866.

(signed) *Arthur Helps.*

(64.)

At the Council Chamber, Whitehall, the 8th day of August 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.	Mr. Waddington.
Mr. Secretary Walpole.	

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals:"

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared, and now prevails, amongst cattle in England and Wales, and also prevails among sheep in many parts of England:

And whereas divers Orders have been made by the Lords of the said Council in relation to the Cattle Plague, which were consolidated and amended by an Order bearing date the 24th day of March last, which Order has been altered and extended by subsequent Orders:

And whereas provisions are contained in the said Order of the Privy Council, bearing date the 24th day of March last, to regulate the movement of cattle on any highway, and such movement without a license as therein referred to and described in the Schedule thereto annexed is prohibited, except for a distance not exceeding 500 yards, from one part of the same farm to the other:

And whereas it is expedient that the forms of license set forth in the Schedule to the said Order should be altered, and also that certain provisions should be made in respect of sheep and lambs, and that certain of the said Orders should be explained:

Now, therefore, the Lords of the said Council do hereby order as follows:—

Art. 1. From and after the 12th day of August 1866, so much of the said Order of the 24th March 1866 as contains the forms of license to be given for moving cattle shall be rescinded, and the following forms shall be substituted, and shall be applicable to the following animals, viz., bulls, bullocks, cows, oxen, heifers, calves, sheep, and lambs.

(A.)

Fat Stock License.

I, *A.B.*, of (*a*) hereby license the removal of the under-mentioned animals marked with the letter X (*b*), from the premises of of in the county or borough of to (*c*) at in the county or borough of ; such animals to proceed as follows: (*d*)

And I grant this license after satisfying myself that the said premises are not within an infected place, and that no case of cattle plague has existed on the said premises [or within one mile of the outward boundary of the premises] within 28 days immediately preceding the date of this license; and that the said animals have been on the said premises for the said period of 28 days (*e*). This license shall be in force for three days, from and no longer, and no animal can be moved under it, on any highway, between sunset and sunrise.

Dated this day of 1866.

Description of Cattle.

Number of Animals.	Breed.	Age.	Description of Animals.

(signed) "_____."

(*a*) This license may be granted by the local authority of the place from which the animals are removed, or any person appointed by such local authority to grant such license.

(*b*) The cattle must be marked with the letter X on the hind quarter.

(*c*) Here insert licensed market or place of slaughter, &c.

(*d*) Describe route. The highway, if the animals proceed by highway, must not pass through, or within a mile of, the outward boundary of any "infected place," except to enter an infected district in which they are to be slaughtered. Modified in Metropolis, O. C. 117.

(*e*) In the case of cattle landed in any place in England from Ireland, the certificate of the local authority that such cattle are free from disease, shall be accepted by the person authorised to grant this license as sufficient for the purpose of granting such license.

(B.)

Store Stock License.

I, of in the of one of Her Majesty's Justices of the Peace having jurisdiction in the place from which it is proposed to move the animals described and marked as below, having satisfied myself of the correctness of the declaration annexed hereto, hereby license the person under mentioned, being the seller *or* owner thereof to move the said animals from to , by the under-mentioned route, provided that the said animals shall not be driven through any "infected place," or within one mile of the outward boundary of such place.

Dated this day of 1866.

Number, Description, and Mark of the Animals.	Name and Address of *Seller* or *Owner*.	Route to be taken.	Name and Address of the Buyer, Owner, or Person to whose Premises the Animal is to be sent for Breeding Purposes.	Name of Drover.
		From Through To		

This license shall be available for six days from the date hereof, *and no longer*. But no animal can be moved under it, upon any highway, between sunset and sunrise.

(C.)

Declaration of Owner or his Agent (*a*).

(*To be annexed to the foregoing License, and not detached therefrom.*)

I, *A.B.*, of in the of do hereby declare that the animals marked [which I have sold] (*b*) to are free from Cattle Plague, and that no case of Cattle Plague has, within the two months immediately preceding my making this declaration, existed upon the premises from which I desire to move such animals, or within two miles of the outward boundary of such premises. And I further declare that the said animals have all of them been on the said premises for 28 days immediately preceding my making this declaration, and have not during that time been in contact with any newly-purchased animals.

Dated this day of

Signed by [*Declarant*].

Certificate to accompany Declaration.

We, the undersigned, being each of us occupiers of upwards of 100 acres of land, and living within a distance of (*c*) miles of the premises of *A.B.*, have viewed the animals described in his declaration, and to the best of our knowledge certify them to be free from Cattle Plague; and we believe that the statements contained in the declaration of the said *A.B.* are correct.

Dated this day of 1866.

I. J. of *O.*
K. L. of *P.*

Art. 2. Where animals shall be landed in any place in England from Ireland, there shall be substituted and attached to the license, in lieu of the declaration and certificate aforesaid, a certificate in a form to be prescribed by the local authority having jurisdiction in

(*a*) This declaration must be made by the owner or his agent, in the presence of the justice.

(*b*) If the animals are being removed on change of tenancy or on change of pasture, or from premises in one place to premises in another in the occupation of the same person, insert instead of the words [which I have sold] the words [which I desire to move from to].

If the animals are required to be moved for the purpose of breeding, insert instead of the words [which I have sold] the words [which I desire to send for breeding purposes to].

(*c*) The occupiers must, if possible, be persons living within two miles' distance from the premises of A.B.; if they live at a greater distance than two miles from those premises, the justice must satisfy himself that they have reasonable means of knowing the truth of the facts which they certify.

in the place where the same shall be landed; such certificate to be to the effect that the animals are free from disease.

Art. 3. Expired.

Art. 4. Any local authority may make a regulation requiring the delivery of the license to a police constable or other duly appointed person, at the ultimate destination, in exchange for some document acknowledging the receipt to be signed by such policeman or other person, in a form to be settled by such authority.

Art. 5. All the regulations and provisions relating to cattle only, contained in the said Order of the 24th March 1866, and in every subsequent Order amending, explaining, and continuing the same, except the Orders hereinafter-mentioned, and except such regulations and provisions as relate to foreign cattle, and cattle brought by sea from any part of the United Kingdom into England, shall, from and after the 15th day of August 1866, apply to sheep and lambs, in the several counties mentioned in the Schedule hereunto annexed, and in the counties of cities, or towns, cities, and boroughs therein contained.

Inoperative, as all the Counties have been removed from the Schedule.

(*See* below.)

Art. 6. The Orders dated as follows shall be excepted from the operation of this Order:—

The Order dated April 14th, 1866;
The Orders dated April 27th, 1866, respectively;
The Orders dated May 5th, May 26th, and May 31st, 1866, respectively;
The Orders dated June 7th and 22nd, 1866, respectively;
The Orders dated July 19th and 31st, 1866, respectively;

except so far as any provisions contained in such Orders, or any of them, apply to sheep and lambs.

Art. 7. In addition to the several parts of animals mentioned in the said Order of the 24th of March, the hair or wool of cattle, sheep and lambs, shall be included. O. C. 28.

Art. 8. Every regulation made by a local authority, in conformity with any Order of the Lords of the Privy Council, where no provision has been made for the publication thereof, shall be published by an advertisement thereof in some newspaper circulating within the county or other place, subject to the jurisdiction of such local authority.

Art. 9. This Order shall be construed along with the said Order of the 24th March last, and all the provisions contained therein relative to the offences for the contravention thereof, and the penalty for the same and otherwise now in force, except so far as they may be inconsistent with anything herein contained, shall be applied to this Order.

SCHEDULE OF COUNTIES.

Buckingham.	Chester.	Lincoln.	Nottingham.	Suffolk.
Cambridge.	Essex.	Northampton.	Norfolk.	Somerset.

(signed) *Arthur Helps.*

The Schedule of Counties is inoperative as regards this Order, all the Counties having been removed from the provisions of Art. 5 of this Order; but the Schedule is retained, as it is referred to in the Order of 18 *September* 1866, *No.* 70.

(66.)

At the Council Chamber, Whitehall, the 11th day of August 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

The Lord President. | Sir Stafford Northcote, Bart.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders amongst Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other

things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal, to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals:"

And whereas the contagious or infectious disorder generally designated as the "Cattle Plague," which has lately prevailed among cattle in Scotland, has now ceased therein:

And whereas divers Orders have been made by the Lords of the said Council in relation to the cattle plague; and whereas it is expedient to suspend these Orders, so far as they relate to the regulation of the movements of cattle and other animals, and the sale of cattle within Scotland:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby, in exercise of the powers given under the said Acts, order as follows:

1. This Order shall apply to Scotland only, subject to the limitation hereinafter expressed.

2. From and after the 13th day of August 1866, and subject to the further Orders of the Lords of the said Council, all the provisions contained in any Order of Council restraining or regulating the movements of animals within Scotland or any part thereof, and all Orders of any local authority in Scotland made under or in virtue thereof, and all the provisions contained in any Order of Council prohibiting or regulating the holding of markets, fairs, auctions, exhibitions, or sale of cattle within Scotland, or any part thereof, and all Orders of any local authority in Scotland made under or in virtue thereof shall be suspended: Provided that nothing herein contained shall prevent any local authority in Scotland, or the officer or officers appointed thereby, from granting "fat stock or store stock" licenses, under the Order of 11th April 1866, for the removal of cattle from Scotland to England or elsewhere beyond Scotland.

3. The 3rd art. was revoked by an Order bearing date 31st August 1866.

4. In the event of cattle plague breaking out in any district in Scotland, after the said 13th day of August 1866, it shall be the duty of the clerk of the local authority thereof forthwith to summon a meeting of the said local authority, who shall proceed at once to slaughter the animals which are affected with cattle plague, and to declare the place or places where the disease is or has been "infected," in the manner provided for and subject to all the conditions contained in sections 26 and 27 of the Order of 11th April 1866.

5. The 5th art. was revoked by an Order bearing date 31st August 1866.

6. This Order shall be construed in like manner as the Order of the 11th April 1866, and all the provisions therein contained shall apply to this Order, so far as the same can be applicable and are not inconsistent herewith, and the violation of any part of this Order shall be an offence subject to the penalty incurred under the said Order by the committing any offence against it.

(signed) *Edmund Harrison.*

(67.)

At the Council Chamber, Whitehall, the 31st day of August 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.	Mr. Gathorne Hardy.
Mr. Secretary Walpole.	Mr. Corry.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals:"

And whereas a contagious or infectious disorder, generally designated as "Cattle Plague," now prevails among cattle in England and Wales:

And whereas it is expedient to prohibit the introduction of cattle and other animals from England and Wales into Scotland:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby, by virtue and in exercise of the powers given by the said recited Act, and by the several Acts continuing and amending the same as aforesaid, order as follows:

1. Sections 3 and 5 of the Order of Council of 11th August 1866 are hereby revoked.

2. From and after the 3rd day of September 1866 it shall not be lawful for any person to remove cattle or other animals from any port or place in England or Wales to any port or place in Scotland.

3. Nothing contained in this Order shall affect the regulations at present in force under any Order of Council in regard to cattle or other animals brought by sea from any place in the United Kingdom other than England or Wales, or from any place out of the United Kingdom into any town or place in Scotland; and it is hereby declared and ordered that cattle or other animals brought by sea from one place in Scotland to any other place therein shall not be removed from such place alive without a certificate from the local authority having jurisdiction in such place that such cattle have been examined by some officer appointed for that purpose by such authority, and that such cattle are free from disease. Modified by O. C. 91 and 119.

4. This Order shall be construed in like manner as the Order of the 11th April 1866, and all the provisions therein contained shall continue in force and shall apply hereto in so far as the same can be applicable and are not inconsistent herewith; and the violation of any part of this Order shall be an offence subject to the penalty incurred under the said Order by the committing any offence against it.

(signed) *Arthur Helps.*

(71.)

At the Council Chamber, Whitehall, the 18th day of September 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Mr. Corry.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle and other Animals:"

And whereas divers Orders, in pursuance of the said recited Acts, have been made by the Lords of the said Council, in relation to the contagious or infectious disorder generally designated as the "Cattle Plague;" and it has (amongst other things) been ordered, that all foreign cattle landed in Scotland shall be slaughtered within four days; and it is expedient that further regulations should be made in regard to the holding of markets at which such foreign cattle are or may be exposed for sale:

Now, therefore, the Lords of the said Council do hereby order as follows:

1. All cattle and other animals exposed for exhibition or sale at any market in Scotland where foreign cattle are, or within the preceding 28 days have been so exposed, or within one mile of such market, shall be slaughtered by their owner or custodier, and, failing their doing so, by the local authority having jurisdiction at the place where such market is held, before the expiration of four days from the time of their being exposed as aforesaid; and it shall be unlawful to remove such cattle and other animals alive from such place.

2. This Order shall be construed in like manner as the Order of the 11th April 1866, and all the provisions therein contained shall continue in force, and shall apply hereto in so far as the same can be applicable and are not inconsistent herewith; and the violation or neglect of any part of this Order shall be an offence subject to the penalty incurred under the said Order by committing any offence against it.

(signed) *Arthur Helps.*

(93.)

At the Council Chamber, Whitehall, the 7th day of November 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.	Mr. Cave.
Lord Naas.	

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and, lastly, by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they might designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle and other Animals:"

And whereas a contagious or infectious disorder generally designated as the "Cattle Plague," has lately appeared, and now prevails, amongst cattle in England, and has also prevailed amongst sheep in many parts of England:

And whereas divers Orders have been made by the Lords of the said Council in relation to the cattle plague, which were consolidated and amended by an Order, bearing date the 24th day of March last, which Order has been altered and extended by subsequent Orders:

And whereas, by the said Order of the Privy Council, it is ordered that no market for cattle shall be held in England and Wales, except with the license of the Privy Council, for the sale of cattle intended for immediate slaughter; and it is further ordered that no sheep, lambs, goats, or swine shall be brought into or exposed for sale in any market licensed for the sale of cattle except for the purpose of immediate slaughter:

And whereas by another Order, bearing date the 8th day of August last, the Lords of Her Majesty's Privy Council did prescribe certain forms of license to be used for the removal of various animals; and it is expedient that provisions should be made for the sale of animals in certain markets not intended for immediate slaughter:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby order as follows:

1. From and after the 8th day of November 1866, markets may be held, with the license of the Lords of the said Council, for the sale of animals, whether intended for immediate slaughter or otherwise, in any county in England and Wales, provided that no such license shall be granted unless their Lordships shall be satisfied that no case of cattle plague has occurred in the county where such market is to be held within one calendar month prior to the date of such license, nor unless the market is situated at a distance exceeding 10 miles from any place declared to be infected according to the provisions of the said Order of the 24th day of March last.

Modified by O. C. 138.

2. No license shall be granted under this Order permitting any market to be held in any port or other place into which animals are imported from any country not part of the United Kingdom.

3. When the Lords of Her Majesty's Privy Council shall license any market for the sale of any animals, such animals may be moved to such market from any place, whether in or out of the county in which the market is to be held, with a license in the form called a store-stock license in the above-mentioned Order of the 8th day of August last, but not without it; and the person bringing such animals shall deliver the said license to an officer of the said market, or to some other person appointed by the persons authorised to hold the market for the purpose of receiving the same, and the said license shall be numbered and carefully retained and preserved by him.

4. No animal exposed to sale or sold in such market shall be removed therefrom to any place, either in the same or a different county, except with a pass or license to be given by the person who shall have received the store-stock license as aforesaid, to the owner or purchaser desirous of moving the same, in the following form:

MARKET PASS.

Market, in the county of

Date

The following animals, being [the whole *or* part] of those brought to this market this day from under the license numbered , and retained by me, may be moved to by the under-mentioned route.

Number and Description of Animals.	Name and Address of the Owner or Purchaser.	Route.	Name of Drover.	Remarks.

The time allowed for the removals under this license is days from and after to-day.
[No animal can be moved under this license upon any highway between sunset and sunrise.]

(signed)
Appointed to receive licenses and grant passes in the above-named market.

Note.—Any person who forges or alters any license, or offers or utter the same knowing it to be forged or altered, will be liable to a penalty of 20 *l.*, or to be imprisoned, with hard labour, for the term of three months. *See* 29 & 30 Vict. c. 110, s. 10.

5. Provided that nothing herein contained shall affect any license already granted by the Privy Council for any market for the sale of animals for immediate slaughter, or for any market for the sale of sheep or lambs, ~~nor affect the provisions of any Order of the Privy Council under which the local authority of any county is empowered to license the holding of fairs, or to make regulations as to the admission of animals into such county~~.

These provisions have been revoked.

6. The words herein contained shall be construed, as in the said Order of the 24th day of March last, and all the provisions therein contained relative to the offences for the contravention thereof, and the penalty for the same, and otherwise, now in force, and the provisions of the said Order in regard to the powers of officers employed under that Order, shall apply to the regulations contained in this Order, and the enforcing of the same, and to the officers employed under it.

(signed) *Edmund Harrison.*

(97.)

At the Council Chamber, Whitehall, the 13th day of November 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Mr. Secretary Walpole.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly, by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they might designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals:"

And whereas a contagious or infectious disorder generally designated as the "Cattle Plague," has lately appeared, and now prevails, amongst cattle in England, and has also prevailed among sheep in many parts of England:

And whereas divers Orders have been made by the Lords of the said Council in relation to the cattle plague, which were consolidated and amended by an Order bearing date the 24th day of March last, which Order has been altered and extended by subsequent Orders:

And whereas by the said Order of the Privy Council it is ordered that no exhibition of cattle shall be held in England and Wales; and it is expedient that provisions should be made for exhibition of fat stock intended for immediate slaughter:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby order as follows:

1. From and after the 15th day of November 1866, exhibitions of fat stock intended for slaughter immediately after such exhibition may be held in any county in England and Wales, with the license of the Lords of the said Council, provided that no such license shall be granted unless their Lordships shall be satisfied that no case of cattle plague has occurred within 10 miles of the town or place at which such exhibition is to be held within one calendar month prior to the date of such license, nor unless the exhibition is to be held at a distance exceeding 10 miles from any place declared to be infected according to the provisions of the said Order of the 24th day of March last, and that such license shall be null and void if at any time exceeding 48 hours previous to the holding of the said exhibition cattle plague shall break out within 10 miles of the place where such exhibition is to be held.

2. Any cattle exhibited at any exhibition held under this Order must be slaughtered within the town or place wherein such exhibition is held, and

within four days after the close of the exhibition; and if any case of cattle plague shall occur to any of the animals within such exhibition, all the animals within such exhibition shall be immediately slaughtered; but there shall be no claim for any compensation either on the local authority or the Government.

3. Provided that nothing herein contained shall affect any license already granted by the Privy Council for any market for the sale of animals for immediate slaughter.

4. The words herein contained shall be construed as in the said Order of the 24th day of March last, and all the provisions therein contained relative to the offences for the contravention thereof, and the penalty for the same, and otherwise, now in force, and the provisions of the said Order in regard to the powers of officers employed under that Order, shall apply to the regulations contained in this Order, and the enforcing of the same, and to the officers employed under it.

(signed) *Edmund Harrison.*

(104.)

At the Council Chamber, Whitehall, the 21st day of December 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Mr. Secretary Walpole.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, c. 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued to the 1st day of August 1867, and the end of the then next Session of Parliament, by divers subsequent Acts, and lastly by an Act passed in the last Session of Parliament, it is amongst other things enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they might designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas a contagious or infectious disease, generally designated as the "Cattle Plague," has lately appeared, and still prevails, amongst cattle in some parts of England:

And whereas divers Orders have been made by the Lords of the said Council in relation to the said cattle plague, which were consolidated and amended by an Order bearing date the 24th day of March last, which Order has been altered and extended by subsequent Orders:

And whereas provisions are contained in the said Order of the Privy Council, bearing date the 24th day of March last, to regulate the movement of cattle on any highway, and such movement without a license, as therein referred to and described in the schedule thereto annexed, is prohibited, except for a distance not exceeding 500 yards, from one part of the same farm to the other:

And whereas it is further provided that where cattle are moved only within the district of a local authority, that local authority may make regulations for granting licenses in such form as it thinks fit for the movement of such cattle,

so that the conditions of such licenses be not more stringent than the conditions of the licenses in the second schedule to such Order annexed:

And whereas it has been considered by certain local authorities that they were empowered under the aforesaid Order of the 24th day of March to make regulations under which any person, being the owner or purchaser of any cattle or the agent or bailiff of such owner or purchaser, might grant and sign licenses for the removal of cattle being the property of such owner or purchaser; and whereas the security intended to be given by such licenses would be materially lessened if the local authority were empowered to make such regulations as aforesaid:

And whereas it is expedient that the power of the said authority in this behalf should be restricted as hereinafter provided:

Now, therefore, the Lords of the Council do hereby order, that from and after the 31st day of December instant, no local authority shall be empowered to make any regulations whereby the owner or purchaser, or the bailiff or agent of such owner or purchaser, respectively of any cattle shall be authorized by his signature or other act to license the movement of such cattle within the district of the said local authority; and every regulation heretofore made having such effect as aforesaid, shall, from and after the said 31st day of December instant, become null and void in respect of any cattle attempted to be moved under any such license within the district of the local authority which shall have made the same.

This Order shall be interpreted in like manner as the Order of the 24th day of March last, and all the regulations therein contained and applicable to this Order shall apply thereto, except in respect of anything inconsistent therewith.

(signed) *Edmund Harrison.*

(111.)

At the Council Chamber, Whitehall, the 16th day of January 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Mr. Secretary Walpole. | Mr. Corry.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued until the 1st day of August 1867, and the end of the then next Session of Parliament, by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they might designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained, shall have the like force and effect as if the same had been inserted in the said Act:

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared and now prevails amongst cattle in England, and has also prevailed among sheep in many parts of England:

And whereas divers Orders have been made by the Lords of the said Council in relation to the cattle plague, which were consolidated and amended by an Order bearing date the 24th day of March last, which Order has been altered and extended by subsequent Orders:

And whereas, by the said Order of the Privy Council, it was ordered that no market, fair, auction, exhibition, or sale of cattle should be held until the 1st day of June last, which time has been since further extended by an Order of the said Council until the said Lords shall otherwise order, subject to exception as in the said Order of the 24th day of March last is mentioned; and whereas such exception was made in respect of markets licensed according to the provisions therein contained:

And whereas, by another Order, bearing date the 8th day of August last, the Lords of Her Majesty's Privy Council did prescribe certain forms of license to be used for the removal of various animals:

And whereas it is expedient that provisions should be made to enable sales of animals, to which these Orders apply, to take place from time to time under such restrictions as the said Lords shall deem requisite:

Now, therefore, the Lords of the Council do hereby order, that from and after the 21st day of this January instant, the Lords of the said Council may, upon application from the local authority of any county, license the holding of any sale or sales of animals, either at stated periods or from time to time, at any place or places within the district of the said authority, during such time and under such restrictions or conditions as to the said Council shall seem expedient or necessary; and thenceforth animals may be sold for immediate slaughter or otherwise at such place or places, anything in the Orders of the said Council to the contrary notwithstanding.

Every license so granted shall be revocable by the said Lords of the Council when they deem it necessary to revoke the same.

When the Lords of Her Majesty's Privy Council shall, under this Order, license any sale of animals, such animals may be moved to the place of such sale from such places and none other than shall be defined in the license granted for such sale, with a license in the form set forth in the above-mentioned Order of the 8th day of August last, for the store stock license, with the declaration and certificate thereto annexed, but not without it; and the person bringing such animals to the place of sale shall deliver the said license to some officer appointed by the local authority for the purpose of receiving the same thereat, and the said license shall be numbered, detained, and carefully kept and recorded by such officer.

No animal exposed to sale or sold in such place shall be moved therefrom to any place, except with a pass or license to be given by the officer who shall have received the license as aforesaid, to the owner or purchaser desirous of moving the same, in the following form:—

SALE PASS.

County of
Date

THE following animals, being [the whole *or* part] of those brought to be sold this day from , under the license numbered , and retained by me, may be moved to , by the under-mentioned route:—

Number and Description of Animals.	Name and Address of the Owner or Purchaser.	Route.	Name of Drover.	Remarks.

This pass expires on the day of , 186 .

(signed)

Appointed to receive licenses and grant passes in the above-named place of sale.

Note—Any person who forges or alters any license, or offers or utters the same, knowing it to be forged or altered, will be liable to a penalty of 20 *l.*, or to be imprisoned, with hard labour, for the term of three months. *See* 29 & 30 Vict. c. 110, s. 10.

Provided that nothing herein contained shall affect any license already granted by the Privy Council for any market for the sale of animals for immediate

immediate slaughter or otherwise, or for any market for the sale of sheep or lambs, or for the holding of exhibitions, nor affect the provisions of any Order of the Privy Council under which the local authority of any county is empowered to license the holding of fairs, or to make regulations as to the admission of animals into such county.

The words herein contained shall be construed as in the said Order of the 24th day of March last, and all the provisions therein contained relative to the offences for the contravention thereof, and the penalty for the same, and the provisions of the said Order in regard to the powers of officers employed under that Order, and all other provisions of that Order, and the subsequent Orders altering the same now in force and not inconsistent with anything herein contained, shall, in respect of every matter to which they may be applicable, apply to the regulations contained in this Order and the enforcing of the same, and to the officers employed under it.

(signed) *Edmund Harrison.*

(125.)

At the Council Chamber, Whitehall, the 19th day of February 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.

Mr. Corry. | Mr. Adderley.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained, shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals:"

And whereas divers Orders, in pursuance of the said recited Acts, have been made by the Lords of the said Council, in relation to the contagious or infectious disorder generally designated as the "Cattle Plague," which now prevails in certain parts of England, and particularly by an Order bearing date the 4th day of October 1866, whereby, among other things, it is ordered that animals may be moved from Scotland into England and Wales, with a license in the form described in the Order of Council bearing date the 11th day of April 1866, and designated "Store Stock License," together with the declaration and certificate which accompany the same:

And whereas by another Order bearing date the 7th day of November last, the said Lords of the Council did make provision for the granting of licenses

for the holding of markets for the sale of animals in England and Wales, and did thereby provide that when they license any market for the sale of animals, such animals might be moved to such market, whether in or out of the county in which the market is to be held, with a license in the form called a store stock license in an Order of the said Lords of the Council bearing date the 8th day of August last, but not without it:

And whereas a similar provision is contained in another Order of the said Lords bearing date the 16th day of January last in regard to the sales of animals in England and Wales:

And whereas the store stock license set forth in the said Order of the 8th of August last is not applicable to animals moved from Scotland into England, and it is expedient to make further provision for such case:

Now, therefore, the Lords of the Council do hereby order that in the case of any market or sale heretofore licensed or hereafter licensed under the Orders aforesaid, animals may be moved from any place in Scotland to such market, or the place of such sale, with a store stock license, to be granted in conformity with the said Order bearing date the 11th day of April last.

(signed) *Arthur Helps.*

(128.)

At the Court at Windsor, the 26th day of February 1867.

PRESENT:

The Queen's Most Excellent Majesty in Council.

WHEREAS by an Act passed in the last Session of Parliament, intituled "An Act to amend the Law relating to Contagious or Infectious Diseases in Cattle and other Animals," it is (amongst other things) enacted that it shall be lawful for Her Majesty, by Order in Council, from time to time to continue, or to renew if expired, all or any of the provisions in the first part of that Act contained, for such time as shall be specified in such Order:

And whereas it is provided in the 11th section of the said Act, which section is in the first part thereof, that Part I. of the said Act shall continue in force until the 15th day of April 1866, and no longer, unless continued or renewed by Order of Her Majesty in Council:

And whereas it is provided in the 12th, 13th, 14th, 15th, and 16th sections of the first part of the said Act, as follows:—

Slaughter of Diseased Animals.

"12. Every local authority shall cause all animals affected with the cattle plague within its district to be slaughtered; and shall, by way of compensation for every animal so slaughtered, pay to the owner thereof such sum not exceeding 20 *l.*, and not exceeding one-half of the value of the animal immediately before it was affected with the cattle plague, as to such local authority may seem fit.

"13. Every local authority shall cause every animal that has died of cattle plague, or has been slaughtered in consequence of being affected with cattle plague within its district, to be buried as soon as possible in its skin in some proper place, and to be covered with a sufficient quantity of quicklime or other disinfectant, and with not less than six feet of earth.

"14. Every local authority shall, within its district, cause the yard, shed, stable, field, or other premises in which any animal affected with cattle plague has been kept while affected by the disease, or has died or been slaughtered, to be thoroughly cleansed and disinfected, and all hay, straw, litter, dung, or other articles that have been used in or about any such animal to be burnt or otherwise destroyed; and no fresh animal shall be admitted into any yard, shed, stable, field, or other premises in which any animal affected with cattle plague has been kept while affected by the disease, or has died or been slaughtered, until the expiration of 30 days after the cleansing and disinfecting of such premises in pursuance of this Act; and every local authority shall direct the disinfecting the clothes

clothes of, and the use of due precautions by, inspectors, cattle overseers, and others in contact with animals affected by the cattle plague, with a view to prevent the spreading of contagion.

" 15. A local authority may, if it thinks fit, cause to be slaughtered any animal that has been in the same shed or stable, or in the same herd or flock, or in contact with any animal affected with cattle plague within its district; and the owner of any animal so slaughtered may either dispose of the carcase on his own account, with a license from some officer appointed in that behalf by a local authority, or may require the local authority to dispose of the same, in which case such local authority shall pay to the owner thereof, by way of compensation, such sum, not exceeding 25 *l.*, as may equal three-fourths of the value of the animal slaughtered: Provided always, that the Lords of Her Majesty's Most Honourable Privy Council, or any two or more of them, may reserve animals (ordered to be slaughtered as aforesaid) for the purpose of experimental treatment.

" 16. The local authority may require the value of any animal slaughtered under this Act to be ascertained by officers of the local authority or by arbitration, and generally may impose conditions as to evidence of the slaughter and value of the animals slaughtered: Provided that no compensation shall in any case be paid in respect of any animal found affected with cattle plague in a market or on a highway, or in respect of any animal which has been moved or otherwise dealt with in contravention of this Act, or any order of a local authority made in pursuance thereof."

And whereas by Orders of Her Majesty in Council, the last bearing date the 10th day of November 1866, the provisions of the above-recited sections of the first part of the said Act were continued in force beyond the said 15th day of April 1866 until the 28th day of February 1867; and whereas it is considered expedient that the same be further continued:

Now, therefore, Her Majesty, in exercise of the power vested in Her by the said Act and by and with the advice of Her Privy Council, is pleased to order, and it is hereby ordered, that the said recited provisions contained in the 12th, 13th, 14th, 15th, and 16th sections of the first part of the said Act shall continue in force on and after the said 28th day of February 1867, until the 31st day of May 1867.

(signed) *Arthur Helps.*

(130.)

At the Council Chamber, Whitehall, the 7th day of March 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:-

Lord President.	Duke of Richmond.
Lord Steward.	Mr. Cave.

WHEREAS by an Order bearing date the 16th day of January last, duly issued under the authority of the Act of the 11th and 12th years of Her Majesty's reign, chapter 107, since continued by divers statutes, and lastly by an Act of the last Session of Parliament until the 1st day of August next, and the end of the then next Session of Parliament, reciting certain provisions of the said Act, and that the contagious or infectious disorder termed the Cattle Plague then prevailed amongst cattle in England, and had prevailed amongst sheep in many parts of England, and the Order of the Lords of the Council of the 24th day of March last, and the provision therein relating to the holding of markets, fairs, auctions, exhibitions, or sales of cattle, and another Order of the Lords of the Council, bearing date the 8th day of August last, relating, among other things, to the forms of license to be used for the removal of animals and sundry other matters, the Lords of the Council did order that from and after the 21st day of January then instant, the Lords of the Council might, upon application from the local authority of any county, license the holding of any sale or sales of animals at the times and places, and subject to such restrictions or conditions, as to the said Lords should seem expedient or necessary:

And whereas it is advisable that this Order should be extended as hereinafter set forth:

See O. C. 111. Now, therefore, the Lords of the said Council do hereby order that the application for any license for the sale of any animals under the said Order may be made by any local authority as defined by the said Order of the 24th of March last besides the local authority of a county, and the said Lords may grant a license for the holding of such sale within the district of the local authority so making the application:

And any license granted upon the application of such other authority shall be subject to all the same provisions as are contained in the said Order of the 16th day of January last.

(signed) *Edmund Harrison.*

(139.)

At the Council Chamber, Whitehall, the 25th day of April 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

WHEREAS by an Order, bearing date the 26th day of May 1866, duly issued under the authority of the Act of the 11th and 12th years of Her Majesty's reign, chapter 107, since continued by divers Statutes, and lastly by an Act of the last Session of Parliament, until the 1st day of August next, and the end of the then next Session of Parliament, reciting certain provisions of the said Act, and that the contagious or infectious disorder termed the "Cattle Plague" then prevailed amongst cattle in England and Wales, the Lords of the Council did, among other matters, require the local authority, with all convenient speed, after the issuing of that Order, to make regulations with respect to the movement of commonable animals on, to, from, and through the commons and wastes within its jurisdiction, whereon there shall exist any right of common, and the depasturing, or for the prohibition of the depasturing of such commonable animals thereon, and did provide for the publication of such regulations, and did order that, after the lapse of four days from such publication, no animal should be moved on, to, from, or through, or be depastured on such common or waste in contravention of such regulation:

And whereas it is expedient to provide for the revocation or alteration by the local authority of any regulation issued or to be issued under such Order:

Now, therefore, the Lords of the said Council do hereby order that any local authority which shall have made, or shall hereafter make, any regulation in furtherance of the said Order, may revoke any such regulation, or may from time to time renew or alter the same, as and when it shall appear to such authority to be expedient to do so:

Page 26. And the said authority shall publish any revocation, renewal, or alteration so to be made as herein-before mentioned, in the same manner as is provided in the said recited Order of the 26th day of May last.

Every person who shall contravene any regulation of the local authority, made under this Order, shall be guilty of an offence within the meaning of the Order of the Lords of the said Council, bearing date the 24th day of March 1866, issued under the authority of the said recited Act, and be subject to the like penalty as in the case of a contravention of any regulation in such last-mentioned Order.

(signed) *Edmund Harrison.*

(*b.*)—Copy of Local Orders, relating to parts of *Great Britain*, and to Markets.

No.	Date.	SUBJECT.	Parts affected.	Page.
	1866:			
70	18 September	Prohibits Sheep and Lamb Markets (except under license), in the Counties named in Schedule, O. C., 8 August, No. 64.	Essex and Cheshire -	45
91	30 October -	Cattle and other animals may be moved from Cumberland and Northumberland into Scotland.	Cumberland, Northumberland, and Scotland.	47
103	21 December -	Berwick-upon-Tweed comprised in O. C., No. 91 - - - -	Berwick-upon-Tweed and Scotland.	47
	1867:			
117	1 February -	Metropolis, further regulation of Movement of Cattle within - -	Metropolis - -	48
119	4 February -	Cattle and other animals may be moved from Westmoreland into Scotland.	Westmoreland and Scotland.	49
121	14 February -	Birmingham Market, Movement from - - - - - -	Birmingham district -	50
131	1 April -	Salford Market, Manchester „ - - - - - -	Salford - - -	51
132	1 April -	Newcastle-upon-Tyne Market „ - - - - - -	Newcastle-upon-Tyne district.	53
135	11 April -	Regulates Movement of Cattle from the Tottenham Station to Metropolitan Cattle Market.	Road from Tottenham to Metropolis.	54
137	12 April -	Wolverhampton Market, Movement from - - - - -	Wolverhampton district	55

(70.)

At the Council Chamber, Whitehall, the 18th day of September 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

Present:

Lord President. | Mr. Gathorne Hardy.
Mr. Corry.

Whereas by an Order of Her Majesty's Privy Council, bearing date the 8th day of August last, duly issued under the authority of the Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act of the last Session of Parliament, which Order recites (among other things) that a contagious or infectious disorder, generally designated as the "Cattle Plague," had lately appeared and then prevailed amongst cattle in England and Wales, and amongst sheep in many parts of England, and also recites the Order issued by the Lords of the Council bearing date the 24th day of March last, which Order had been altered and extended by subsequent Orders, the Lords of the said Council did prescribe certain forms of license to be used for the removal of various animals, including (among others) sheep and lambs, and one of such licenses is termed a store-stock license.

And whereas (among other matters) the said Lords did order, in Article 5 of the said Order, that all the regulations and provisions relating to cattle only, contained in the said Order of the 24th of March last, and in every Order amending, explaining and continuing the same, except certain Orders in another Article of the said Order specified, and except certain regulations and provisions particularly excepted, should, after a day now past, apply to sheep and lambs, in certain counties named in a schedule to the said Order annexed, which provision hath by a subsequent Order been extended to the county of Oxford.

And whereas doubts have been entertained as to the application of such regulation to markets and other places for the sale of sheep and lambs, and it is desirable that such doubts should be removed, and that the holding of such markets for the sale of sheep and lambs should be prevented, except under certain regulations:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby order as follows:

1. From and after the 22nd day of September 1866, until the Lords of the Council shall otherwise order, no market, fair, auction, exhibition, or sale of sheep or lambs shall be held in the several counties enumerated in the schedule above-mentioned, or in the county of Oxford:

Provided that markets for the sale of sheep and lambs may be held in such counties with the license of the Privy Council; and sheep and lambs belonging to the owner or occupier of premises that are not situated within the limits of an infected place, if the sheep or lambs are free from disease, and have been in the possession of the owner or occupier not less than 28 days immediately previous to the sale may be sold on such premises.

2. When the Lords of Her Majesty's Privy Council shall license any market for the sale of sheep and lambs, such sheep and lambs may be moved to such market from any place, whether in or out of the county in which the market is to be held, with a license in the form above referred to as a store-stock license, but not without it; and the person bringing such sheep and lambs shall deliver the said license to an officer of the said market, or to some other person appointed by the persons authorised to hold the market for the purpose of receiving the same, and the said license shall be numbered and carefully retained and preserved by him.

3. No sheep or lamb exposed to sale or sold in such market shall be moved therefrom to any place, either in the same or a different county, except with a pass or license to be given by the person who shall have received the store-stock license as aforesaid, to the owner or purchaser desirous of moving the same, in the following form:

MARKET PASS FOR SHEEP.

Market, in the County of

Date.

The following animals, being [the whole *or* part] of those brought to this market this day from under the license numbered , and retained by me, may be moved to , by the under-mentioned route.

Number and Description of Animals.				Name and Address of the Owner or Purchaser.	Route.	Name of Drover.	Remarks.
Rams.	Ewes.	Wethers.	Lambs.				

The time allowed for the removals under this license is days, from and after to-day.

(signed)

Appointed to receive licenses and grant passes in the above-named market.

Note.—Any person who forges or alters any license, or alters or utters the same knowing it to be altered, will be liable to a penalty of 20 *l.*, or to be imprisoned, with hard labour, for the term of three months. *See* 29 & 30 Vict. c. 110, s. 10.

4. Al the provisions contained in the said Order of the 24th March last, relative to the offences for the contravention thereof, and the penalty for the same, and otherwise now in force, and the provisions of the said Order in regard to the powers of officers employed under that Order, shall apply to the officers employed under this Order, and to the regulations contained in this Order, and the enforcing of the same.

(signed) *Arthur Helps.*

(91.)

At the Council Chamber, Whitehall, the 30th day of October 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Mr. Secretary Walpole.	Mr. Cave.
Mr. Corry.	

WHEREAS by an Order bearing date the 31st day of August last, duly issued under the authority of the Act passed in the session of the 11th and 12th years of Her present Majesty's reign, chapter 107, the Lords of Her Majesty's Privy Council did, amongst other things, order that from and after the 3rd day of September 1866 it should not be lawful for any person to remove cattle or other animals from any port or place in England and Wales to any port or place in Scotland:

And whereas, by an Order bearing date the 10th day of September 1866, the said Lords did order that, notwithstanding anything in the above-mentioned Order provided, it should be lawful for any person to move rams from the county of Northumberland into Scotland, provided that a license for moving such rams were obtained in the form and otherwise in accordance with the provision contained in the Order made by the Lords of Her Majesty's Privy Council bearing date the 8th day of August, which apply to the store-stock license, and provided also, that the local authority of the county in Scotland into which such rams are proposed to be moved should give authority or issue any regulations for the movement of rams from the county of Northumberland into it; and by a further Order bearing date the 2nd day of October 1866, they did extend the provisions of the last-mentioned Order of the 10th day of September to sheep and lambs proposed to be moved from the county of Northumberland into Scotland:

And whereas it is expedient that the provisions of the said Orders of the 10th day of September and 2nd day of October 1866 should be further extended:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby order, that from and after the 1st day of November 1866, notwithstanding anything in the first-mentioned Order of the 31st day of August 1866 provided, it shall be lawful for any person to move cattle and other animals from the counties of Northumberland and Cumberland into Scotland; provided that a license for moving such animals be obtained in the form and otherwise in accordance with the provisions contained in the Order made by the Lords of Her Majesty's Privy Council bearing date the 8th day of August, which apply to the store-stock licence; and provided also, that the local authority of the county in Scotland into which such animals are proposed to be moved shall give authority or issue any regulation for the movement of animals from the county of Northumberland or Cumberland into it. Berwick-upon-Tweed included by O. C. Order 103.

And the said Lords do further order, that every such regulation so to be made by the said local authority shall be published in the same manner as other regulations of the said local authority have been hitherto published under the directions of the Lords of the Council.

(signed) *Edmund Harrison.*

(103.)

At the Council Chamber, Whitehall, the 21st day of December 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.	Mr. Secretary Walpole.

WHEREAS by an Order bearing date the 30th day of October last, duly issued under the authority of the Act passed in the Session of the 11th and 12th years of Her Majesty's reign, chapter 107, and duly continued by divers subsequent statutes to the 1st day of August 1867, and the end of the then No. 91.

then next Session of Parliament, the Lords of Her Majesty's Council did make certain provisions for the movement of cattle and other animals from the county of Northumberland into Scotland:

And whereas doubts have been entertained as to whether the town and liberties of the town of Berwick-upon-Tweed is included in such Order:

Now, therefore, the Lords of the Council do hereby declare and order that so much of the town and liberties of the town of Berwick-upon-Tweed as is contained in the kingdom of England shall be comprised within the operation of the said Order as being part of the county of Northumberland, according to the intention of the Lords of the said Council in issuing the said Order.

(signed) *Edmund Harrison.*

(117.)

At the Council Chamber, Whitehall, the 1st day of February 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.	Mr. Corry.
Mr. Secretary Walpole.	

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued until the 1st day of August 1867, and to the end of the next Session of Parliament, by divers subsequent Acts, and lastly, by an Act passed in the last Session of Parliament it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared, and now prevails, amongst cattle in some parts of England:

And whereas divers Orders have been made by the Lords of the said Council in relation to the cattle plague, which were consolidated and amended by an Order bearing date the 24th day of March last, which has been since altered and extended by subsequent Orders:

And whereas it is, among other things, therein ordered by the said Privy Council, that any Local Authority as to any place within its district, shall by an Order made after the passing of that Order, declare any place in which disease amongst animals at that time exists to be an infected place from and after a date to be specified in such Order:

And whereas provisions are contained in the said Order of the Privy Council to regulate the movement of cattle on any highway, and such movement, without a license as therein described, is prohibited, except for a distance not exceeding 500 yards from one part of the same farm to the other, and forms of license for the removal of cattle were set forth in the schedule to the said Order:

And whereas by an Order of the Lords of the Council, bearing date the 8th day of August last, the forms of licenses so set forth were altered and others were substituted, and in all such forms it is provided that animals thereby authorized

authorized to be removed shall not be driven or passed through any infected place or within one mile of the outward boundary thereof:

And whereas it is expedient that an alteration shall be made in the above limits of one mile in regard to animals moved within the Metropolis:

Now, therefore, the Lords of the Council do hereby order that, from and after the date hereof, animals, whether intended for immediate slaughter or not, may be moved within the Metropolis, at a distance not less than 100 yards from the outward boundary of any place in the said Metropolis declared to be infected, in accordance with the provisions of the said Order of the 24th March last, anything in the said Order, or in any other Order, or in any license duly issued under the Orders aforesaid, to the contrary notwithstanding.

This Order shall be construed in all respects as the said Order of the 24th March last, and the said Lords do further order, that the Local Authority for the Metropolis shall forthwith cause this Order to be published by advertisement in some newspaper circulating in the Metropolis, and by causing a copy thereof to be affixed at some conspicuous place in the Metropolitan Cattle Market at Islington, in the county of Middlesex.

(signed) *Edmund Harrison.*

(119.)

At the Council Chamber, Whitehall, the 4th day of February 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Mr. Corry.

WHEREAS by an Order bearing date the 31st day of August last, duly issued under the authority of the Act passed in the Session of the 11th and 12th years of Her Majesty's reign, chapter 107, continued by divers subsequent Acts, and lastly by an Act of the last Session of Parliament, the Lords of Her Majesty's Council did, among other things, order that from and after the 3rd day of September 1866, it should not be lawful for any person to remove cattle or other animals from any port or place in England and Wales to any port or place in Scotland:

And whereas by sundry subsequent Orders the Lords of the Council have authorized the removal of cattle and other animals from the counties of Northumberland and Cumberland into Scotland, subject to certain provisions therein set forth:

And whereas it is expedient that the like authority should be given for the removal of cattle and other animals from the county of Westmoreland into Scotland:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby order that from and after the 6th day of February 1867, notwithstanding anything in the said first-mentioned Order of the 31st day of August last provided, it shall be lawful for any person to move cattle and other animals from the county of Westmoreland into Scotland, provided that a license for moving such animals be obtained in the form and otherwise in accordance with the provisions contained in the Order made by the said Lords, bearing date the 8th day of August last, which apply to the license therein termed the Store Stock License, and provided also that the local authority of the county in Scotland into which such animals are proposed to be removed, shall give authority, or issue some regulation for the movement of animals from the county of Westmoreland into it, and the same shall be duly observed.

(*See* page 29.)

This Order shall be construed in like manner as the Order issued by the Lords of the said Council under the Acts aforesaid, bearing date the 24th day of March last, and shall be published by the local authority of the county of Westmoreland in some public newspaper circulating in the same county.

Every regulation to be made by every such local authority in Scotland shall be published in like manner as other regulations issued by local authorities in Scotland have been required to be published by the Lords of the said Council.

(signed) *Arthur Helps.*

(121.)

At the Council Chamber, Whitehall, the 14th day of February 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Mr. Secretary Walpole. | Mr. Waddington.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals":

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared and now prevails amongst cattle in some parts of England:

And whereas divers Orders have been made by the Lords of the said Council in relation to the Cattle Plague, which were consolidated and amended by an Order bearing date the 24th day of March last:

And whereas provisions are contained in the said Order of the Privy Council to regulate the movement of cattle on any highway, and such movement without a license as therein described is prohibited, except for a distance not exceeding 500 yards, from one part of the same farm to the other:

And whereas the holding of markets for the sale of cattle is prohibited by the said Order until the 1st day of June 1866, except in the case of a market held with the license of the Privy Council for the sale of cattle intended for immediate slaughter, which term hath, by an Order of the said Council, been extended from the said 1st day of June until the said Lords of the Council shall otherwise direct:

And whereas there is a market held in a place known as Smithfield, in the borough of Birmingham, in the county of Warwick, for the sale of cattle, and the holding thereof has been licensed by the Lords of the said Council, by instrument bearing date the 31st day of May last, for the sale of cattle intended for immediate slaughter, so long as the said above-mentioned Orders shall remain in force, or until the revocation of the said license as therein provided, subject to all the conditions, provisions, and regulations in the said first-mentioned Order contained applicable to such market:

And whereas it is provided by the said Order of the 24th of March last, that in the case of cattle brought to any market other than the Metropolitan Cattle Market, they shall in no case be taken beyond such limits as may be described in the license of the Privy Council allowing such market, and under such conditions with respect to their movement within such limits as may be imposed by such license:

And

And whereas in the said license for the holding of the above-mentioned market, it is provided that no cattle brought into the said market shall be taken alive beyond the limits of the municipal boundaries of the said borough, and further, that no market shall be held for the sale of sheep, lambs, goats, or swine, within the said borough, except for the purpose of slaughter, and all sheep, lambs, goats, or swine, brought into any market within the borough for sale, shall be slaughtered within the municipal boundaries of the said borough within four days after their exposure in the market:

And whereas it is expedient that certain other regulations should be made in this behalf:

Now, therefore, the Lords of the Council do hereby order, that notwithstanding such provisions in the said license, and all similar provisions in the said Order, cattle sold in the said market until the 4th day of May next, if the said license shall so long continue in force, may be moved to any slaughter-house in the towns or places of Wolverhampton, Walsall, Handsworth, Smethwick, Willenhall, Darlaston, Wednesbury, West Bromwich, Tipton, Rowley Regis, Great Bridge, Bilston, and Harborne, in the county of Stafford, and to the towns and places of Aston, Warwick, Coventry, and Saltley, all in the county of Warwick, and at all intermediate places in the respective counties of Stafford and Warwick between any such town or place and the said borough of Birmingham, to be there slaughtered under such regulations as the local authorities for the counties of Stafford and Warwick respectively shall from time to time make and issue in regard to the movement, as well as the places, times, and manner of slaughtering of such cattle.

Provided that nothing herein contained shall allow the cattle to be kept alive for more than four days after exposure in the said market.

Every such regulation shall be published by the local authority making it in some newspaper circulating in the borough of Birmingham, and by a notice affixed in some conspicuous place in the said market.

Notwithstanding the provision in the said license above recited, and the similar provision in the said Order, swine may be sold at any market or other place within the said borough, whether for immediate slaughter or otherwise, and need not be slaughtered within the municipal boundaries of the said borough within four days after their exposure for sale.

This Order shall be construed in like manner as the said Order, and every person who shall contravene this Order, or any regulation of the local authority made under it, shall be guilty of an offence, and be subject to the like penalty as in the case of a contravention of any regulation in such Order.

And the Lords of the said Council hereby further direct that the local authority of the borough of Birmingham shall cause this Order to be published in some newspaper circulating in the said borough.

(signed) *Arthur Helps.*

(131.)

At the Council Chamber, Whitehall, the 1st day of April 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.	Lord Robert Montagu.
Duke of Richmond.	

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time, to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate

in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals:"

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared and still prevails amongst cattle in some parts of England:

And whereas divers Orders have been made by the Lords of the said Council in relation to the Cattle Plague, which were consolidated and amended by an Order bearing date the 24th day of March 1866:

And whereas provisions are contained in the said Order of the Privy Council to regulate the movement of cattle on any highway, and such movement without a license as therein described is prohibited, except for a distance not exceeding 500 yards, from one part of the same farm to the other:

And whereas the holding of markets for the sale of cattle was prohibited by the said Order until the 1st day of June 1866, except in the case of a market held with the license of the Privy Council for the sale of cattle intended for immediate slaughter, which term hath, by an Order of the said Council, been extended from the said 1st day of June until the said Lords of the Council shall otherwise direct:

And whereas there is a market held on premises belonging to the Corporation of Salford, situate in Cross-lane, in Salford, in the county of Lancaster, for the sale of cattle, and the holding thereof has been licensed by the Lords of the said Council, by instrument bearing date the 31st day of May last, for the sale of cattle intended for immediate slaughter, so long as the said above-mentioned Orders shall remain in force, or until the revocation thereof as therein provided, subject to all the conditions, provisions and regulations in the said first-mentioned Order contained applicable to such market:

And whereas it is provided by the said Order of the 24th day of March 1866, that in the case of cattle brought to any market other than the Metropolitan Cattle Market, they shall in no case be taken beyond such limits as may be described in the license of the Privy Council allowing such market, and under such conditions with respect to their movement within such limits as may be imposed by such license:

And whereas in the said license for the holding of the above-mentioned market, it is provided that no cattle brought into the said market shall be taken alive beyond the limits of the municipal boundaries of the boroughs of Salford and Manchester, and it is expedient that certain other regulations should be made in this behalf:

Now, therefore, the Lords of the Council do hereby order, that notwithstanding such provision in the said license, cattle sold in the said market may, until the 1st day of August next, if the said license shall so long continue in force, be moved for a distance extending 12 miles from the said market, but not further, to any slaughter-house, to be there immediately slaughtered under such regulations as the local authority for the county of Lancaster shall from time to time make and issue in regard to the movement as well as the places, times and manner of slaughtering of such cattle:

Provided, that if any cattle shall be moved for a distance exceeding five miles in a direct line from such market, the cattle shall be moved by railway only from the market to their ultimate destination, or to within one mile thereof; and provided also, that nothing herein contained shall allow the cattle to be kept alive for more than four days after exposure in the said market.

This

This Order, and every regulation made under it, shall be published by the said local authority in some newspaper circulating in the borough of Salford, and by a notice affixed in some conspicuous place in the said market.

Every person who shall contravene this Order, or any regulation of the ocal authority made under it, shall be guilty of an offence, and be subject to the like penalty as in the case of a contravention of any regulation in the said Order of the 24th day of March 1866.

(signed) *Edmund Harrison.*

(132.)

At the Council Chamber, Whitehall, the 1st day of April 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.	Lord Robert Montagu.
Duke of Richmond.	

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid, in any such Order or Orders contained, shall have the like force and effect as if the same had been inserted in the said Act;

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals:"

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared and still prevails amongst cattle in some parts of England;

And whereas divers Orders have been made by the Lords of the said Council in relation to the Cattle Plague, which were consolidated and amended by an Order bearing date the 24th day of March 1866;

And whereas provisions are contained in the said Order of the Privy Council to regulate the movement of cattle on any highway, and such movement without a license as therein described is prohibited, except for a distance not exceeding 500 yards, from one part of the same farm to the other:

And whereas the holding of markets for the sale of cattle is prohibited by the said Order until the 1st day of June 1866, except in the case of a market held with the license of the Privy Council for the sale of cattle intended for immediate slaughter, which term hath, by an Order of the said Council, been extended from the said 1st day of June until the said Lords of the Council shall otherwise direct;

And whereas there is a market held in the borough of Newcastle-upon-Tyne, in the county of Northumberland, which is contiguous to the borough of Gateshead, in the county of Durham, for the sale of cattle, and the holding thereof has been licensed by the Lords of the said Council, by instrument bearing date the 31st day of May last, for the sale of cattle intended for immediate slaughter, so long as the said above-mentioned Orders shall remain in force, or until the revocation thereof, as therein provided, subject to all the conditions, provisions,

and regulations in the said first-mentioned Order contained applicable to such market:

And whereas it is provided by the said Order of the 24th day of March 1866, that in the case of cattle brought to any market other than the Metropolitan Cattle Market, they shall in no case be taken beyond such limits as may be described in the license of the Privy Council allowing such market, and under such conditions with respect to their movement within such limits as may be imposed by such license;

And whereas in the said license for the holding of the above-mentioned market, it is provided that no cattle brought into the said market shall be taken alive beyond the district comprised within the outer municipal boundaries of the said two boroughs, and it is expedient that certain other regulations should be made in this behalf:

Now, therefore, the Lords of the Council do hereby order, that notwithstanding such provision in the said license, cattle other than such as may be brought by sea from any place out of the United Kingdom into the port of Newcastle-upon-Tyne, sold in the said market, may, until the 1st day of August next, if the said license shall continue so long in force, be moved to any slaughter-house in the boroughs of Sunderland and South Shields, or in the town of Jarrow, in the said county of Durham, or in the town of North Shields, in the county of Northumberland, but not further, to be there immediately slaughtered under such regulations as the local authorities for the respective counties of Durham and Northumberland shall, from time to time, make and issue in regard to the movement, as well as the times, places, and manner of the slaughtering of such cattle:

Provided that the cattle shall be moved by railway only from Newcastle-upon-Tyne to Sunderland, North or South Shields, Tynemouth, or Jarrow, as the case may be; and provided that nothing herein contained shall allow the cattle to be kept alive for more than four days after exposure in the said market.

This Order shall be published by the local authority of the county of Northumberland, and every regulation made by the local authorities respectively under it, shall also be published in some newspaper circulating in the said borough of Newcastle-upon-Tyne, and by a notice affixed in some conspicuous place in the said market.

Every person who shall contravene this Order, or any regulation of the local authorities made under it, shall be guilty of an offence, and be subject to the like penalty as in the case of a contravention of any regulation in the said Order of the 24th day of March 1866.

(signed) *Edmund Harrison.*

(135.)

At the Council Chamber, Whitehall, the 11th day of April 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Duke of Richmond.

WHEREAS by an Order of the Lords of Her Majesty's Privy Council, bearing date the 24th day of March 1866, reciting certain provisions of the Act of the 11th and 12th years of Her present Majesty's reign, chapter 107, which has been continued by divers Acts, and lastly by an Act of the last Session of Parliament, until the 1st day of August next and the end of the then next Session of Parliament, and the appearance and prevalence of a contagious or infectious disorder generally designated the "Cattle Plague" amongst cattle in England and Wales, and sundry other matters, the said Lords did, in exercise of the powers given by the said Act so continued as aforesaid, make divers Rules and Regulations in reference to cattle, and did, among other things, order that no cattle should be moved on any highway between sunset and sunrise, except within the limits of the metropolis, inclusive of the City of London and the liberties thereof, or of any other city or town:

And whereas the said disorder still prevails in England, but it is expedient to make certain other Regulations in respect of certain cattle moved to the metropolis:

Now,

Now, therefore, the Lords of the said Council do hereby order, that where cattle are brought by the Great Eastern Railway to the Station termed the Tottenham Station, and are there discharged to be driven or conveyed to the Metropolitan Cattle Market or lairs, such cattle may be moved on a highway after sunset on the Saturday and Sunday of each week, provided that they proceed forthwith from the railway station, along the road commonly called Seven Sisters' Road, with the license required for the movement of cattle during the day time, and provided that the person moving such cattle be provided with a certificate, in writing under the hand of some officer appointed by the Great Eastern Railway Company, and approved by the said Lords of the Council, describing the cattle by proper marks or otherwise, and certifying that such cattle have been brought to such station, and have been discharged therefrom, for the purpose of being moved to the Metropolitan Cattle Market or lairs, and setting forth correctly the day and hour of such discharge:

And the said Lords do hereby order the local authority of the county of Middlesex to publish this Order, by causing the same to be advertised in some newspaper circulating in the county of Middlesex, and a copy thereof to be affixed in some conspicuous place at the Tottenham Station of the railway aforesaid; and this Order shall be construed as the said Order of the 24th day of March 1866, and every person who shall contravene it shall be subject to the like penalty as in the case of a contravention of any regulation under that Order.

(signed) *Edmund Harrison.*

(137.)

At the Council Chamber, Whitehall, the 12th day of April 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Mr. Hammond.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid, in any such Order or Orders contained, shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals:"

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared and still prevails amongst cattle, in some parts of England:

And whereas divers Orders have been made by the Lords of the said Council in relation to the Cattle Plague, which were consolidated and amended by an Order bearing date the 24th day of March 1866:

And whereas provisions are contained in the said Order of the Privy Council to regulate the movement of cattle on any highway, and such movement without a license as therein described is prohibited, except for a distance not exceeding 500 yards, from one part of the same farm to the other:

And whereas the holding of markets for the sale of cattle is prohibited by the said Order until the 1st day of June 1866, except in the case of a market held with the license of the Privy Council for the sale of cattle intended for immediate slaughter, which term hath, by an Order of the said Council, been extended from the said 1st day of June until the said Lords of the Council shall otherwise direct:

And whereas there is a market held in the borough of Wolverhampton, in the county of Stafford, for the sale of cattle, and the holding thereof has been licensed by the Lords of the said Council, by instrument bearing date the 31st day of May last, for the sale of cattle intended for immediate slaughter, so long as the said above-mentioned Orders shall remain in force, or until the revocation thereof, as therein provided, subject to all the conditions, provisions, and regulations in the said first-mentioned Order contained applicable to such market:

And whereas it is provided by the said Order of the 24th day of March 1866, that in the case of cattle brought to any market other than the Metropolitan Cattle Market, they shall in no case be taken beyond such limits as may be described in the license of the Privy Council allowing such market, and under such conditions with respect to their movement within such limits as may be imposed by such license:

And whereas in the said license for the holding of the above-mentioned market, it is provided that no cattle brought into the said market shall be taken alive beyond the limits of the municipal boundaries of the borough of Wolverhampton, and it is expedient that certain other Regulations should be made in this behalf:

Now, therefore, the Lords of the Council do hereby order that, notwithstanding such provision in the said license, cattle sold in the said market may, until the 1st day of August next, if the said market shall continue to be licensed until that day, or if not, until the revocation or other sooner determination of the license, be moved to slaughter-houses situated within the Parliamentary boundaries of the boroughs of Birmingham, Coventry, and Warwick, in the county of Warwick, of Dudley, in the county of Worcester, and of Wolverhampton and Walsall, in the county of Stafford, and in the following parishes, towns, and places, all in the said last-named county; that is to say, the parishes of Kingswinford and Sedgley, and the towns and places of Handsworth, Smethwick, Darlaston, Wednesbury, West Bromwich, Tipton, Rowley Regis, Great Bridge, and Harborne, and to the towns and places of Aston and Saltley, in the county of Warwick, and at all intermediate places in the respective counties of Stafford and Warwick, between any of the above-named boroughs, parishes, towns, and places, and the Parliamentary boundary of the said borough of Wolverhampton, to be there slaughtered under such regulations as the local authorities of the several counties in which these places shall be situated respectively, shall, from time to time, make and issue in regard to the movement, and the places, times, and manner of the slaughtering of such cattle:

Provided also, that the cattle shall be moved from the said market to the boroughs of Birmingham, Coventry, and Warwick, and to Aston and Saltley by railway only:

Provided always, that nothing herein contained shall allow the cattle to be kept alive for more than four days after exposure in the said market.

And the said Lords do further order that, notwithstanding any provision in the said license or in any previous Order to the contrary, swine may be sold at any market or other place within the said borough of Wolverhampton, whether for immediate slaughter or otherwise, and need not be slaughtered within the municipal boundaries of the said borough within four days after exposure for sale.

This Order shall be published by the local authority of the county of Stafford, and every regulation made by the local authorities respectively under it, shall also be published in some newspaper circulating in the borough of Wolverhampton, and by a notice affixed in some conspicuous place in the said market.

Every person who shall contravene this Order, or any regulation of the local authorities made under it, shall be guilty of an offence, and be subject to the like penalty as in the case of a contravention of any Regulation in the said Order of the 24th day of March 1866.

(signed) *Edmund Harrison.*

(*c*).—Copy of Orders relating to Ireland.

No.	Date.	SUBJECT.	Parts affected.	Page.
	1865:			
5	25 August -	Cattle may not be moved from Great Britain to Ireland - - -	Great Britain - -	57
7	7 September -	Skins, hides, horns, &c. may not be moved from Great Britain to Ireland.	- ditto - - -	58
8	13 September -	Skins from India, South America, or Australia, brought into Great Britain, may be moved to Ireland.	India, South America and Australia.	59
11	29 September -	Sheep and lambs, and skins of such, may not be moved from Great Britain to Ireland.	Great Britain - -	60
15	27 November -	Horns brought into Great Britain from India, South America, or Australia, may be moved to Ireland.	India, South America and Australia.	61
	1866:			
19	1 February -	"Limed" sheep and lamb pelts may be moved to Ireland - -	Great Britain - -	62
63	8 August -	Continues Provisions of O. C., 24 March, No. 28, and 11 April, No. 33, which apply to cattle landed from Ireland.	Great Britain and Ireland.	63
79	4 October -	Cattle may be moved, under license, from Ireland to England and Wales.	England and Wales -	63

(5.)

At the Council Chamber, Whitehall, the 25th day of August 1865.

By the Lords of Her Majesty's Most Honourable Privy Council.

Present:

Sir George Grey, Bart. | Mr. Secretary Cardwell.

Whereas by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then next Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and which has since been from time to time continued by divers subsequent Acts, it is (amongst other things) enacted that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time, to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals; and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Rules or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act; and that all persons offending against the said Act shall, for each and every offence, forfeit and pay any sum not exceeding 20 *l.*, or such smaller sum as the said Lords or others of Her Majesty's Privy Council may in any case by such Order direct:

And whereas a contagious or infectious disorder has lately appeared, and now prevails among cattle within that part of the United Kingdom called Great Britain, which is generally designated as the "Cattle Plague:"

And whereas it is expedient to take measures for preventing such disorder from extending to that part of the United Kingdom called Ireland:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby, by virtue and in exercise of the powers given by the said recited Act, and by the several Acts continuing the same as aforesaid, order as follows:

1. That in this Order the word "cattle" shall be interpreted to mean any cow, heifer, bull, bullock, ox, or calf:

2. That after the date of the publication of this Order in the "London Gazette," it shall not be lawful for any person to remove any cattle from any port or place within that part of the United Kingdom called Great Britain, to any port or place within that part of the United Kingdom called Ireland.

And the Lords of Her Majesty's Treasury are to give such directions herein as may be necessary to ensure due obedience to this Order.

(signed) *Arthur Helps.*

(7.)

At the Council Chamber, Whitehall, the 7th day of September 1865.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Viscount Palmerston.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then next Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and which has since been from time to time continued by divers subsequent Acts, it is (amongst other things) enacted that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time, to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals; and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act; and that all persons offending against the said Act shall for each and every offence forfeit and pay any sum not exceeding 20 *l.*, or such smaller sum as the said Lords or others of Her Majesty's Privy Council may in any case by such Order direct:

And whereas a contagious or infectious disorder has lately appeared, and now prevails among cattle within that part of the United Kingdom called Great Britain, which is generally designated as the "Cattle Plague:"

And whereas it was expedient to take measures for preventing such disorder from extending to that part of the United Kingdom called Ireland; and whereas, for such purpose, an Order was duly made in pursuance of the authority of the said Acts, by the Lords of Her Majesty's Most Honourable Privy Council, dated 25th August 1865; and whereas, by such Order, the removal to any port or place in that part of the United Kingdom called Ireland, from any port or place in that part of the United Kingdom called Great Britain, of any cow, heifer, bull, bullock, ox, or calf was prohibited:

And whereas it is apprehended that the said disease, termed "Cattle Plague," may be communicated otherwise than by the removal of the above-named animals:

Now, therefore, the Lords of Her Majesty's Privy Counsel do hereby, in exercise of the powers given by the said recited Act, and by the several Acts continuing the same as aforesaid, order as follows:—

That, after the date of the publication of this Order in the "London Gazette," it shall not be lawful for any person to remove any skins, hides, horns, hoofs, or other parts of any of the above-named animals from any port or place within that part of the United Kingdom called Great Britain, to any port or place within that part of the United Kingdom called Ireland.

And the Lords of Her Majesty's Treasury are to give such directions herein as may be necessary to ensure due obedience to this Order.

(signed) *Arthur Helps.*

(8.)

At the Council Chamber, Whitehall, the 13th day of September 1865.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Duke of Somerset.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then next Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and which has since been from time to time continued by divers subsequent Acts, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time, to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act; and that all persons offending against the said Act shall for each and every offence forfeit and pay any sum, not exceeding 20 *l.*, or such smaller sum as the said Lords or others of Her Majesty's Privy Council may in any case by such Order direct:

And whereas a contagious or infectious disorder has lately appeared, and now prevails among cattle within that part of the United Kingdom called Great Britain, which is generally designated as the "Cattle Plague:"

And whereas it was expedient to take measures for preventing such disorder from extending to that part of the United Kingdom called Ireland; and whereas for such purpose, Orders were duly made in pursuance of the authority of the said Acts, by the Lords of Her Majesty's Most Honourable Privy Council, dated the 25th of August 1865 and the 7th day of September 1865:

And whereas by the last-mentioned Order the removal to any port or place in that part of the United Kingdom called Ireland, from any port or place in that part of the United Kingdom called Great Britain, of any skins, hides, horns, hoofs, or other parts of any cow, heifer, bull, bullock, ox, or calf, was prohibited:

And whereas it has been represented to the Lords of Her Majesty's Privy Council, that there is annually a large importation into Ireland of skins and hides brought from India, South America, and Australia, which countries are at present free from the disease designated as the "Cattle Plague:"

Now, therefore, the Lords of Her Majesty's Privy Council do hereby, in exercise of the powers given by the said recited Act, and by the several Acts continuing the same as aforesaid, order as follows:—

That, after the date of the publication of this Order in the "London Gazette," all hides and skins brought into Great Britain from India, South America, or Australia, and afterwards removed from Great Britain to Ireland, are hereby excepted from the operation of the said Order of the 7th day of September 1865.

And the Lords of Her Majesty's Treasury are to give such directions herein as may be necessary to give due effect to this Order.

(signed) *Arthur Helps.*

(11.)

At the Council Chamber, Whitehall, the 29th day of September 1865.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Duke of Somerset. | Mr. Secretary Cardwell.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then next Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and which has since been from time to time continued by divers subsequent Acts, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time, to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals; and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid, in any such Order or Orders contained, shall have the like force and effect as if the same had been inserted in the said Act; and that all persons offending against the said Act shall for each and every offence forfeit and pay any sum not exceeding 20 *l.*, or such smaller sum as the said Lords or others of Her Majesty's Privy Council may in any case by such Order direct:

And whereas a contagious or infectious disorder has lately appeared, and now prevails, among cattle within that part of the United Kingdom called Great Britain, which is generally designated as the "Cattle Plague:"

And whereas it was expedient to take measures for preventing such disorder from extending to that part of the United Kingdom called Ireland; and whereas, for such purpose, Orders were duly made in pursuance of the authority of the said Acts, by the Lords of Her Majesty's Most Honourable Privy Council, dated 25th August and 7th and 13th September 1865; and whereas, by such Orders, the removal to any port or place, in that part of the United Kingdom called Ireland, from any port or place in that part of the United Kingdom called Great Britain, of any cow, heifer, bull, bullock, ox, or calf, and, with certain exceptions, of the skins, hides, horns, hoofs, or other parts of any of those animals, was prohibited:

And whereas there is reason to believe that the said disorder has made its appearance among sheep and lambs:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby, in exercise of the powers given by the said recited Act, and by the several Acts continuing the same as aforesaid, order as follows:—

Modified by O. C. 19.

That it shall not be lawful for any person to remove any sheep or lamb or the skin, or any other part, of any sheep or lamb, from any port or place within that part of the United Kingdom called Great Britain, to any port or place within that part of the United Kingdom called Ireland; provided, that this Order shall not extend to skins brought into Great Britain from India, South America, or Australia, and afterwards removed from Great Britain to Ireland:

And the Lords of Her Majesty's Treasury are to give such directions herein as may be necessary to insure due obedience to this Order.

(signed) *Arthur Helps.*

(15.)

At the Council Chamber, Whitehall, the 27th day of November 1865.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Sir George Grey, Bart. | Mr. Bruce.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then next Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," which Act has since been from time to time continued by divers subsequent Acts, it is (amongst other things) enacted that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time, to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places, as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained, shall have the like force and effect as if the same had been inserted in the said Act; and that all persons offending against the same shall for each and every offence forfeit and pay any sum not exceeding 20 *l.*, or such smaller sum as the said Lords or others of Her Majesty's Privy Council may in any case by such Order direct:

And whereas a contagious or infectious disorder has lately appeared, and now prevails, among cattle within that part of the United Kingdom called Great Britain, which is generally designated as the "Cattle Plague:"

And whereas it was expedient to take measures for preventing such disorder from extending to that part of the United Kingdom called Ireland; and whereas for such purpose Orders were duly made in pursuance of the authority of the said Acts, by the Lords of Her Majesty's Most Honourable Privy Council, dated the 25th day of August 1865, and the 7th and 29th of September 1865:

And whereas by the Order dated the 7th day of September 1865, the removal to any port or place in that part of the United Kingdom called Ireland, from any port or place in that part of the United Kingdom called Great Britain, of any skins, hides, horns, hoofs, or other parts of any cow, heifer, bull, bullock, ox, or calf, was prohibited:

And whereas by an Order dated the 13th day of September 1865, all hides and skins brought into Great Britain, from India, South America, and Australia, and afterwards removed from Great Britain to Ireland, were excepted from the operation of the said Order of the 7th day of September 1865:

And whereas it has been represented to the Lords of Her Majesty's Privy Council, that horns are imported into Ireland from India, South America, and Australia, which countries at present are from the disease designated as the "Cattle Plague:"

Now, therefore, the Lords of Her Majesty's Privy Council do hereby, in exercise of the powers given by the said recited Act, and by the several Acts continuing the same as aforesaid, order as follows:—

That, after the date of the publication of this Order in the "London Gazette," all horns brought into Great Britain from India, South America, or Australia, and afterwards removed from Great Britain to Ireland, are hereby excepted from the operation of the said Order of the 7th day of September 1865.

And the Lords of Her Majesty's Treasury are to give such directions herein as may be necessary to give due effect to this Order.

(signed) *Edmund Harrison.*

(19.)

At the Council Chamber, Whitehall, the 1st day of February 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.	Lord Stanley of Alderley.
Lord Privy Seal.	Sir George Grey, Bart.
Duke of Somerset.	Mr. Bruce.
Earl Russell.	Mr. Göschen.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, intituled "An Act to prevent, until the 1st day of September, 1850, and to the end of the then next Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and which has since been from time to time continued by divers subsequent Acts, it is (amongst other things) enacted that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time, to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals; and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid, in any such Order or Orders contained, shall have the like force and effect as if the same had been inserted in the said Act; and that all persons offending against the said Act shall for each and every offence forfeit and pay any sum not exceeding 20*l.*, or such smaller sum as the said Lords or others of Her Majesty's Privy Council may in any case by such Order direct:

And whereas a contagious or infectious disorder has lately appeared, and now prevails, among cattle within that part of the United Kindgom called Great Britain, which is generally designated as the "Cattle Plague:"

And whereas it was expedient to take measures for preventing such disorder from extending to that part of the United Kingdom called Ireland; and whereas, for such purpose, Orders were duly made in pursuance of the authority of the said Acts, by the Lords of Her Majesty's Most Honourable Privy Council, dated 25th August, and 7th, 13th, and 29th September, and 27th November 1865; and whereas, by such Orders, the removal to any port or place in that part of the United Kingdom called Ireland, from any port or place in that part of the United Kingdom called Great Britain, of any cow, heifer, bull, bullock, ox, calf, sheep, or lamb, and, with certain exceptions, of the skins, hides, horns, hoofs, or other parts of any of those animals, was prohibited:

And whereas it has been represented to the Lords of Her Majesty's Privy Council, that a considerable trade is carried on in Ireland by the manufacture of leather from sheep and lamb pelts brought from Great Britain, and that all risk of infection from such pelts is removed by the process of "liming":

Now, therefore, the Lords of Her Majesty's Privy Council do hereby, in exercise of the powers given by the said recited Act, and by the several Acts continuing the same as aforesaid, order as follows:—

That from and after the date of the publication of this Order in the "London Gazette," sheep and lamb pelts that have been thoroughly "limed" are hereby excepted from the operation of the said Order of the 29th day of September, 1865, provided such pelts are packed in dry hogsheads (not coopered casks), and that the outsides of the hogsheads are whitewashed before being placed on board ship for conveyance to Ireland.

And the Lords of Her Majesty's Treasury are to give such directions herein as may be necessary to insure due obedience to this Order.

(signed) *Arthur Helps.*

(63.)

At the Council Chamber, Whitehall, the 8th day of August 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.	Mr. Cave.
Mr. Secretary Walpole.	

WHEREAS by an Order bearing date the 11th day of June last, reciting certain provisions of the Act passed in the Session of the 11th and 12th years of the reign of Her Majesty, chapter 107, and that the same had been amended and explained by a subsequent Act of Her Majesty's reign, and the prevalence of the Cattle Plague among cattle in England and Wales, and that divers Orders had been made by the Lords of the Council in relation to the Cattle Plague, which were consolidated and amended by Orders bearing date the 24th day of March and the 11th day of April, which contained certain exceptions in regard to cattle brought from Ireland into England or Scotland, and that it was advisable that such exception should be rescinded and annulled in respect of the district thereinafter mentioned, the Lords of Her Majesty's Council did rescind and annul certain provisions of the said Orders in respect of cattle landed from Ireland, where such cattle should have been moved out of any part of the province of Ulster, and did make certain other provisions in respect of such cattle so moved from the province of Ulster:

And whereas the said Lords of Her Majesty's Council by another Order, bearing date the 3rd day of July last, reciting as in the last stated Order, did make similar provisions in respect of cattle moved out of the province of Leinster, in the kingdom of Ireland:

And whereas it is advisable that those Orders should be now revoked, rescinded, and annulled:

Now, therefore, the Lords of the Council do hereby order that, from and after the 10th day of August 1866, the said recited Orders of the 11th day of June and 3rd day of July shall be revoked, rescinded, and annulled, and all the provisions of the said Orders of the 24th day of March and the 11th day of April which apply to cattle landed in England or Scotland from Ireland shall be and continue in force, subject, nevertheless, to such conditions, regulations, and provisions as are contained in any other Order or Orders, whereby such Orders respectively have been amended, altered, modified, or extended. Modified by O. C. 79.

Provided that all acts and proceedings commenced in accordance with the Orders hereby revoked, but not yet completed, may be completed according thereto, as fully as if this Order had not been made.

(signed) *Arthur Helps.*

(79.)

At the Council Chamber, Whitehall, the 4th day of October 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Mr. Secretary Walpole.	Mr. Corry.

WHEREAS by divers Orders of Her Majesty's Privy Council, duly issued under the authority of the Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of

Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act of the last Session of Parliament, which Orders recited that a contagious or infectious disorder, generally designated as the "Cattle Plague," prevailed amongst cattle in England and Wales, the Lords of the Council have made various regulations for preventing the spread of the Cattle Plague, and among other matters have provided for the movement of cattle upon highways in England and Wales, and for the importation of cattle into England and Wales from Ireland:

And whereas it is expedient that fresh regulations should be made in respect of cattle imported from Ireland and afterwards moved in England and Wales, and also in respect of cattle moved from Scotland into England and Wales:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby order as follows:

This exception is revoked.

1. From and after the date of this Order, cattle may be imported from Ireland and landed at any port or place in England and Wales, ~~except in South Wales and Monmouth,~~ and be moved to the place of their ultimate destination in England or Wales, subject to the following provisions, anything in any Order heretofore issued by the Privy Council to the contrary notwithstanding.

2. Previous to such cattle leaving Ireland the owner may obtain a license for the moving of such cattle in the following form, and cattle imported from Ireland may be moved in England or Wales with such a license:

IRISH CATTLE.

No. FORM OF LICENSE.

I, being appointed by the Lord Lieutenant of Ireland for such purpose, do hereby license the person named below to move the cattle described in the annexed Certificate from the port of , in Ireland, to , in England *or* Wales, being the place of their ultimate destination, by the route described below, so that the said cattle shall not be driven or carried otherwise than by railway through any infected place, or within one mile of the outward boundary of an infected place, except to enter such a place to be there slaughtered.

Dated this day of 1866, at in the county of

Number, Description, and Mark of the Cattle.	Name and Address of the Seller or Owner.	Route to be taken.	Name and Address of Purchaser, or Consignee.	Name of Drover.	Remarks.
		From Port in Ireland, To Port in England, Through To			

This License shall be available for six days from the date hereof, *and no longer;* and no cattle can be moved under it upon any highway in England between sunset and sunrise; and cattle moved under it cannot be again moved, except in accordance with the regulations applicable to English cattle.

Notice.—Any person who forges or alters any license, or offers or utters the same, knowing it to be forged or altered, will be liable to a penalty of Twenty Pounds, or to be imprisoned, with hard labour, for the term of three months. *See* 29 & 30 Vict. c. 110, s. 10.

CERTIFICATE OF HEALTH.

No. Port of

day of 18

I, being appointed as an Inspector of Cattle exported from the Port of to Great Britain, have examined head of Cattle, consisting of:

		Number in Writing.	Number in Figures.	General Observations, if any; also description of mark by which the animals can be recognised as the same alluded to in the Certificate.
Fat Cattle.	Bullocks			
	Heifers			
	Cows			
	Veal Calves			
Store Cattle.	Bullocks			
	Heifers			
	Cows			
	Calves			
Breeding and Dairy Stock.	Bulls			
	Milch Cows			
	Springers			
	Cows			
	TOTAL			

The said Cattle are represented to be the property of and are about being exported from the port of in Ireland, to the port of in Great Britain; and I hereby certify, after due examination and inquiry, that the aforesaid head of Cattle are free from disease, and have not been exposed to the infection of Cattle Plague for at least two months previous to the present date, that disease having been absent from Ireland for more than that period.

Cattle Inspector at Port of

3. Nothing herein contained shall apply to cattle imported from Ireland to be slaughtered in the port or place at which they are landed; but all the provisions of the several Orders now in force relating to cattle so landed shall continue to apply thereto.

4. Animals may be moved from Scotland into England and Wales, with a license in the form described in the Order of Council bearing date the 11th day of April last, and designated Store Stock License, together with the declaration and certificate which accompany the same.

5.~~Provided that nothing herein contained shall apply to any part of England and Wales where, under any Order of the Privy Council, the local authority is empowered to make special regulations as to the movement of animals into its district.~~ All these Orders are revoked.

6. This Order shall be construed in like manner as the Order of the 24th of March last; and the provisions of the said Order relative to the offences in contravention thereof, and the penalties for the same, and otherwise now in force, except so far as they may be inconsistent with anything herein contained, shall be applied to this Order.

(signed) *Arthur Helps.*

(*d*).—Copy of Orders specially relating to Importation.

No.	Date.	SUBJECT.	Parts affected.	Page.
	1866:			
26	24 March	Importation of Cattle, and sheep from Holland, prohibited	Holland	66
36	27 April	Foreign Cattle, landed at any place on the Thames or Medway West of Nore, may be moved by rail to Metropolitan Cattle Market.	Metropolitan Cattle Market.	67
42	26 May	Excepts Cows from Channel Islands or Isle of Man from Foreign Cattle Regulations.	Channel Islands and Isle of Man.	68
54	27 June	Excepts Friesland and Groningen from O. C., No. 26	Friesland and Groningen.	70
55	27 June	Hides and Skins from Holland (except Friesland and Groningen) prohibited.	Holland	71
83	15 October	Sheep from Belgium to be slaughtered within four days	Belgium	72
96	10 November	Quarantine Order	Great Britain	73
99	22 November	Cattle may be moved from Quarantine pens with Customs Certificate of Health.	ditto	74
108	28 December	Cattle from Channel Islands or Isle of Man excepted from O. C., No. 96.	Channel Islands and Isle of Man.	75
109	28 December	Hay from Holland shall not be landed without license	Holland	76
	1867:			
112	23 January	Regulates Movement of Foreign Cattle landed at Southampton	Southampton	77
113	23 January	Licenses Southampton for the landing of Foreign Cattle	ditto	78
114	23 January	Licenses pens at Southampton for reception of Cattle under Quarantine.	ditto	78
115	29 January	Foreign Cattle, for immediate slaughter, may be moved, by rail, from Southampton to Metropolitan Market.	ditto	79
122	15 February	Defines a part of Chichester Harbour, within which Foreign Cattle, when landed, shall be slaughtered.	Chichester	81
126	19 February	Defines limits of Borough of Liverpool - - ditto - - ditto	Liverpool	81
134	11 April	Foreign Cattle landed at Harwich may be moved, by rail, to Metropolitan Cattle Market.	Harwich	82
138	13 April	Markets may be held at any port, under license	Ports in England and Wales.	84

(26.)

At the Court at Buckingham Palace, the 24th day of March 1866.

Present:

The Queen's Most Excellent Majesty in Council.

Modified by O. C. 96 and 99.

Whereas it has been represented to Her Majesty, that certain contagious or infectious disorders are now prevalent among cattle, in the dominions and territories situated in Europe, belonging to his Majesty the King of the Netherlands, and that there is danger of the said disorders being introduced into this country by means of cattle from such countries or places; now, therefore, Her Majesty, by and with the advice of Her Privy Council, doth order, and it is hereby ordered, that on and after the 28th day of March instant, no cattle shall be imported or introduced into the United Kingdom, which shall come from, or shall have been at, any place within the aforesaid territories and dominions, situate in Europe, belonging to his Majesty the King of the Netherlands; and also that on and after the said 28th day of March instant, no cattle shall be imported or introduced into the United Kingdom which shall be, or shall have been, on board any vessels at the same time with any cattle which shall have come from, or shall have been within, the aforesaid territories and dominions.

And Her Majesty, by and with the advice of Her Privy Council, doth hereby further order, that, in the event of any cattle being landed in any portion of the United Kingdom, contrary to the provisions of this Order, all such cattle, the importation or introduction whereof is so hereby prohibited as aforesaid, shall, upon their arrival in this country, be destroyed or otherwise disposed of, as the Commissioners of Her Majesty's Customs may direct.

This Order shall continue in force until revoked by any further Order.

The word "cattle" shall include sheep as well as bulls, cows, oxen, heifers, and calves.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury are to give the necessary directions herein accordingly.

(signed) *Arthur Helps.*

(36.)

At the Council Chamber, Whitehall, the 27th day of April 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.	Mr. Bruce.
Sir George Grey, Bart.	Mr. Goschen.
Mr. Milner Gibson.	

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal, to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals:"

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared, and now prevails, amongst cattle in England and Wales:

And whereas by an Order bearing date the 24th day of March last, duly made by the Lords of the said Council, it was among other things ordered, that until the 1st of June 1866 all cattle brought by sea from any place out of the United Kingdom into any town or place in England shall be marked by clipping the hair off the end of the tail, and no such cattle shall be removed alive from such town or place, except by sea:

And whereas there is a certain market held for the sale of cattle in the parish of St. Mary, Islington, in the County of Middlesex, known as the Metropolitan Cattle Market, which market has been licensed by the Lords of the said Council for the sale of cattle intended for immediate slaughter until the 1st day of June next, or until the same license shall be revoked, and it is advisable that regulations should be made for the removal of certain cattle to such market to be sold for immediate slaughter:

Now, therefore, the Lords of the said Council do hereby order that, from and after the date of this Order, cattle brought by sea from any place out of the United Kingdom to any place on the Rivers Thames or Medway westward of the Nore Light, from which place there may be a railway on which cattle can be taken by trains without change of carriages to within 500 yards of the said market, may be removed along such railway to such market, for the purpose of being sold therein for immediate slaughter, anything in the said recited Order to the contrary notwithstanding subject to the following regulations:

1. All such cattle shall be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs shall from time to time direct, and shall be conveyed without stopping, except for the purpose of feeding or being watered, from the place where they shall be landed to the said market.

2. They shall be brought along the railway in trucks or carriages exclusively set apart and used for the purpose of conveying cattle brought from abroad, and coloured with a special colour, or otherwise by distinct mark, to be approved of by the Board of Trade, to designate them as so appropriated, and such trucks and carriages shall, after they have been used for the purpose of conveying any cattle to the said market, be thoroughly cleansed and disinfected in such manner as may be necessary, or as the said Board of Trade may from time to time direct.

3. As soon as any truck or carriage shall have conveyed such cattle as aforesaid to the said market, and discharged them there, and have been so cleansed and disinfected, it shall be removed from the neighbourhood of the said market, and returned forthwith to the place from which it shall have brought the cattle.

4. If any truck or carriage is at any time used in contravention of any regulation herein contained, the company or person by whom it is used shall, every time that such truck or carriage is so used, be liable to a penalty not exceeding 5 *l.*

5. This Order shall be construed in like manner as the said Order of the 24th day of March, and all the provisions of such last-mentioned Order shall apply to this Order, except so far as they may be inconsistent with anything herein contained.

(signed) *Arthur Helps.*

(42.)

At the Council Chamber, Whitehall, the 26th day of May 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.

Lord Privy Seal.	Mr. Milner Gibson.
Sir George Grey, Bart.	Mr. Bruce.

WHEREAS by an Act passed in the Session of Parliament holden in the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained, shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been explained and amended by an Act passed in the 29th year of the reign of Her present Majesty, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals:"

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared, and now prevails, amongst cattle in England and Wales:

And

And whereas the Lords of Her Majesty's Privy Council, in exercise of the powers given by the said Act so continued as aforesaid, did, on the 24th day of March now last past, by an Order then made, amongst other things, order and direct, that until the 1st day of June 1866, all cattle brought by sea from any place out of the United Kingdom into any town or place in England, should be marked by clipping the hair off the end of the tail, and that no such cattle should be removed alive from such town or place except by sea:

And whereas it is expedient to vary the provisions of the said Order of the 24th day of March 1866, so far as relates to cattle brought by sea from the islands of Jersey, Guernsey, Alderney and Sark (hereinafter called the "Channel Islands"), and the Isle of Man, into any town or place in England:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby, in exercise of the powers given by the said Act so continued as aforesaid, order as follows:

1. From and after the publication of this Order in the London Gazette, so much of the said Order of the 24th day of March 1866, as requires cattle brought by sea from any place out of the United Kingdom into any town or place in England to be marked by clipping the hair off the end of the tail, and prohibits the removal of such cattle alive from any such town or place, except by sea, shall cease to be applicable to such cows as hereinafter mentioned, but shall in all other respects remain in full force and effect.

2. This Order shall apply only to cows brought into any town or place in England from the Channel Islands, or any of them, or from the Isle of Man, in vessels plying or sailing between those islands respectively, or one of them, and England, which shall not have touched since last leaving England at any port or place, except some port or place in the said islands, or one of them, or since last leaving the said islands, or one of them, at some port or place in England, and which shall not have any cattle on board, except cows, certified in the manner hereinafter provided to be the produce of and to have been born in the said islands respectively, or one of them, and not to have been previously removed therefrom.

3. In order to entitle any cows or cow so brought into any town or place in England, as aforesaid, to the benefit of this Order, the master of the vessel in or on board of which the same shall be so brought shall, upon his arrival in such town or place, deliver to such person as shall be appointed by the local authority of such town or place for such purpose, or (in default of any such appointment) to the officers of Her Majesty's Customs at such town or place, a clearance cocket under the hands or hand of the Principal Officer and Controller of Her Majesty's Customs at the port or place in one of the said islands from which such cows or cow shall have been exported, describing such cows or cow as being *bonâ fide* the produce of, and as having never previously been removed or exported out of, the Channel Islands or one of them, or the Isle of Man (as the case may be); together with a certificate in writing under the hand of the Governor or Lieutenant Governor of such island, certifying that the shipper of such cows or cow has made proof before a magistrate within such island, in the manner required by the laws relating to the Customs, that such cows or cow are or is actually the produce of and were or was born within the Channel Islands or the Isle of Man (as the case may be), and have or has never previously been removed or exported therefrom; and also a certificate under the hand of some veterinary surgeon practising within such island, and countersigned by a magistrate having authority within the same, to the effect that to the best of his knowledge and belief such cows or cow are or is free from the said disorder called the Cattle Plague, and from every symptom commonly supposed to indicate the presence or approach of the said disorder, and from contagious disease of any kind, and that to the best of his knowledge and belief the said Cattle Plague never has existed and does not at the time of granting such certificate exist in such island.

4. No cows or cow brought by sea from the Channel Islands, or any of them, or from the Isle of Man, into any town or place in England, as defined by the 30th section of the said Order of the 24th day of March 1866 in such manner and so certified as aforesaid, shall be removed from such town or place alive

without a certificate from the local authority having jurisdiction in such town or place, that such cows or cow have or has been examined by some officer appointed for that purpose by such authority, and that such cows or cow are or is free from disease; such certificate shall not exempt such cows or cow from any other Regulation of the said Order of the 24th day of March with respect to the movement of cattle or otherwise: Provided nevertheless, that in the case of any such cows or cow so certified as aforesaid, the certificate of the local authority that such cows or cow are or is free from disease, may be accepted in the case of a fat-stock license by the person authorised to grant the same, as sufficient for the purpose of granting such license, and in the case of a store-stock license such certificate may be accepted by the justice as equivalent to the declaration of the owner or his agent, and to the certificate of the occupiers required by the form of the said store-stock license under the said Order of the 24th day of March 1866.

5. Every person guilty of an offence against this Order, shall for each such offence incur a penalty not exceeding 20 *l*; and where any such offence is committed with respect to more than four animals, a penalty not exceeding 5 *l*. for each animal may be imposed instead of the penalty of 20 *l*.

(signed) *Arthur Helps.*

(54.)

At the Court at Windsor, the 27th day of June 1866.

Present:

The Queen's Most Excellent Majesty in Council.

Whereas Her Majesty, by and with the advice of Her Privy Council, by an Order reciting that, whereas it had been represented to Her Majesty, that certain contagious or infectious disorders were then prevalent among cattle, in the dominions and territories situated in Europe, belonging to His Majesty the King of the Netherlands, and that there was danger of the said disorders being introduced into this country by means of cattle from such countries or places, did order, that on and after the 28th day of March then instant, no cattle should be imported or introduced into the United Kingdom, which should come from or should have been at any place within the aforesaid territories and dominions, situate in Europe, belonging to His Majesty the King of the Netherlands; and also that on and after the said 28th day of March then instant, no cattle should be imported or introduced into the United Kingdom which should be, or should have been, on board any vessels at the same time with any cattle which should have come from, or should have been within, the aforesaid territories and dominions:

And Her Majesty, by and with the advice of Her Privy Council, did thereby further order that, in the event of any cattle being landed in any portion of the United Kingdom, contrary to the provisions of that Order, all such cattle, the importation or introduction whereof was thereby prohibited as aforesaid, should, upon their arrival in this country, be destroyed or otherwise disposed of, as the Commissioners of Her Majesty's Customs might direct; and that that Order should continue in force until revoked by any further Order; and that the word "cattle" should include sheep, as well as bulls, cows, oxen, heifers, and calves.

And whereas it is advisable that this Order should be revoked to the extent hereinafter set forth:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, doth hereby revoke so much of the said Order as would apply to cattle the produce of the provinces of Friesland and Groningen, parts of the said dominions belonging to His said Majesty the King of the Netherlands, and doth hereby authorise any such cattle to be imported into any port or place in Great Britain, from the ports of Harlingen, in the province of Friesland, and Delfzyl, in the province of Groningen, only subject, nevertheless, to all the regulations heretofore or hereafter to be made by the Lords of the said Council, or by any local authority

authority under the Order of such Lords, applicable to the importation of foreign cattle or sheep into any port or place in Great Britain.

This Order shall be construed as the said recited Order of the 24th day of March last, and shall continue in force until revoked.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury are to give the necessary directions herein accordingly.

(signed) *Arthur Helps.*

(55.)

At the Court of Windsor, the 27th day of June 1866.

Present:

The Queen's Most Excellent Majesty in Council.

Whereas Her Majesty, at the Court held at Buckingham Palace, the 24th day of March last, by and with the advice of Her Privy Council, by an Order reciting that whereas it had been represented to Her Majesty that certain contagious or infectious disorders were then prevalent among cattle in the dominions and territories situated in Europe belonging to His Majesty the King of the Netherlands, and that there was danger of the said disorders being introduced into this country by means of cattle from such countries or places, did order that, on and after the 28th day of March then instant, no cattle should be imported or introduced into the United Kingdom which should come from or should have been at any place within the aforesaid territories and dominions situate in Europe, belonging to His Majesty the King of the Netherlands; and also that, on and after the said 28th day of March then instant, no cattle should be imported or introduced into the United Kingdom which should be or should have been on board any vessels at the same time with any cattle which should have come from or should have been within the aforesaid territories and dominions:

And whereas by an Order, bearing even date herewith, Her Majesty, by and with the advice of Her Privy Council, hath revoked so much of the said Order as would apply to cattle the produce of the provinces of Friesland and Groningen, parts of the said dominions belonging to His said Majesty the King of the Netherlands, and authorised any such cattle to be imported into any port or place in Great Britain from the ports of Harlingen, in the province of Friesland, and Delfzyl, in the province of Groningen only, subject nevertheless to all the regulations heretofore or hereafter to be made by the Lords of the said Council, or by any local authority under the Order of such Lords, applicable to the importation of foreign cattle or sheep into any port or place in Great Britain:

And whereas it has been represented to Her Majesty that it is advisable that certain provisions should be made with reference to the horns, hoofs, and raw or wet hides and skins of cattle to be imported from the dominions and territories aforesaid into the United Kingdom:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, doth order, and it is hereby ordered, that on and after the 1st day of July 1866, no horn, hoof, raw or wet hide or skin of any such cattle as aforesaid shall be imported or introduced into the United Kingdom which shall come from, or shall have been at, any place within the aforesaid territories and dominions, situate in Europe, belonging to His Majesty the King of the Netherlands, other than the said provinces of Friesland and Groningen; and also that on and after the said 1st day of July 1866, no horn, hoof, raw or wet hide or skin of any such cattle shall be imported or introduced into the United Kingdom which shall be, or shall have been, on board any vessels at the same time with any cattle which shall have come from, or shall have been within the aforesaid territories and dominions, other than the said provinces of Friesland and Groningen.

And Her Majesty, by and with the advice of Her Privy Council, doth hereby further order, that in the event of the horn, hoof, raw or wet hide or skin of any cattle being landed in any portion of the United Kingdom, contrary to the

provisions of this Order, such horn, hoof, raw or wet hide or skin, the importation or introduction whereof is so hereby prohibited as aforesaid, shall, upon arrival in this country, be destroyed or otherwise disposed of, as the Commissioners of Her Majesty's Customs may direct.

This Order shall continue in force until revoked by any further Order.

The word "cattle" shall include sheep as well as bulls, cows, oxen, heifers and calves.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury are to give the necessary directions herein accordingly.

(signed) *Arthur Helps.*

(83.)

At the Council Chamber, Whitehall, the 15th day of October 1866

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Mr. Secretary Walpole. | Mr. Corry.
Lord Stanley. |

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued until the 1st day of August 1867, and the end of the then next Session of Parliament, by divers subsequent Acts, and lastly by an Act passed in the last Session, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals:

And whereas a contagious or infectious disorder, known as Variola Ovina, or Sheep Pox, prevails among sheep in some parts of England, and has been recently spread therein by sheep imported from Belgium:

And whereas divers Orders have been made by the Lords of the said Council from time to time in relation to the Variola Ovina, or Sheep Pox, and it is desirable that certain other regulations should be made in relation to sheep imported into Great Britain from Belgium:

Now, therefore, the Lords of the said Council do hereby order as follows:—

1. All sheep brought to Great Britain from Antwerp, or any other port in Belgium, and landed in any town or place in Great Britain, shall, within four days after the landing thereof, exclusive of the day of landing, be taken to some market held with the license of the Privy Council for the sale of animals intended for immediate slaughter, if there is any such market within such town or place, and if a market is held there, within the said period of four days; but if there is no such market within such town or place, or if no market is held there within the said period of four days, then all such sheep shall be slaughtered in such town or place within the said period of four days.

2. The

2. The expression "town or place" in this Order shall have the same meaning as in Regulation 30 of the Order of the 24th day of March last.

3. The word "sheep" shall include lambs; and this Order shall be construed in like manner as that of the 24th of March last; and every person who shall contravene it shall be guilty of an offence, and be subject to the provision of the said Order relative to offences; and all the other provisions of the said Order not inconsistent herewith shall apply to this Order.

4. This Order shall take effect on and after the 17th day of October 1866.

(signed) *Edmund Harrison.*

(96.)

At the Court at Windsor, the 10th day of November 1866

PRESENT:

The Queen's Most Excellent Majesty in Council.

WHEREAS by an Act passed in the Session of Parliament holden in the 11th and 12th years of Her Majesty's reign, intituled "An Act to prohibit the Importation of Sheep, Cattle, or other Animals for the Purpose of preventing the Introduction of Contagious or Infectious Disorders," it is, amongst other things, enacted, that it shall be lawful for Her Majesty, from time to time, by Order in Council, to make such regulations for subjecting sheep, cattle, horses, or other animals to quarantine, or for causing the same to be destroyed upon their arrival in this country, or for destroying any hay, straw, fodder or other article, whereby it appears to Her Majesty that infection or contagion may be conveyed, and generally to make such regulations with respect to the importation of sheep, cattle, horses or other animals as Her Majesty may consider to be necessary in order to prevent the introduction of any contagious or infectious disorder, and also by any further Order or Orders in Council, from time to time to revoke the whole or any part of such Order or Orders issued under the authority of the said Act:

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared amongst cattle:

And whereas Orders have been made by Her Majesty in Council under the said Act, dated respectively the 28th July 1856, and the 17th November 1863: And whereas it is expedient to make further regulations under the said Act, and in particular to make regulations for subjecting cattle to quarantine:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, is pleased to order, and it is hereby ordered as follows:—

1. On and after the 13th of November instant, foreign cattle, except cattle intended for immediate slaughter, shall be landed only at such places in Great Britain as may have been duly licensed by the Lords of Her Majesty's Most Honourable Privy Council for the landing of foreign cattle, under such conditions as the Lords of the said Council may think fit to impose; and any licenses so granted shall be subject to revocation without notice, by the Lords of the said Council.

2. If on the arrival of any vessel at any place licensed as aforesaid for the landing of foreign cattle, such cattle be landed in strict conformity with such regulations as the Commissioners of Customs shall, with the sanction of the Lords of the said Council, prescribe for this purpose, and be placed in such sheds, pens, or other receptacles, properly prepared for their reception by the consignees or other persons, as shall have been licensed by the Lords of the said Council for the reception of cattle, and shall be kept therein at the sole expense of the owner or consignee, without being in contact with any other animals whatever, subject to the supervision and control of the said Commissioners, and in accordance with any regulation made by them, for such period, not exceeding in any case 28 days, as may be from time to time prescribed by the Lords of the said Council in respect to the country or place from which any such cattle may be imported, such cattle shall not be required to be slaughtered at the place of

landing, but may be removed at such time, to such place, and upon such conditions as the Lords and others of Her Majesty's Privy Council, or any two or more of them, shall from time to time direct, in any Orders or Regulations to be made by them under the provisions of the 11th and 12th years of Her Majesty's reign, c. 107.

3. The third or interpretation clause of the Order of the Lords of Her Majesty's Privy Council of the 24th of March last, so far as applicable to words in this Order, shall apply to this Order.

4. This Order shall take effect on and after the 13th of November 1866.

(signed) *Edmund Harrison.*

(99.)

At the Council Chamber, Whitehall, the 22nd day of November 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Mr. Corry.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," which said Act has been from time to time, by divers subsequent Acts, and lastly by an Act passed in the last Session of Parliament, continued until the 1st day of August 1867, and the end of the then next Session of Parliament, power is given to the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and it is provided that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals:"

And whereas a contagious or infectious disorder generally designated as the "Cattle Plague" has lately appeared amongst cattle and sheep in Great Britain:

And whereas divers Orders have been made by the Lords of the said Council in relation to the cattle plague, which were consolidated and amended by Orders bearing date the 24th day of March and 11th day of April last, and various Regulations in relation to cattle, sheep, and lambs in Great Britain have been made by several subsequent Orders:

And whereas by an Order made by the Queen's Most Excellent Majesty in Council, dated the 10th day of November 1866, provision is made for subjecting cattle to quarantine:

And whereas it is now desirable that certain regulations shall be made relating to cattle imported into Great Britain from foreign countries:

Now,

Now, therefore, the Lords of Her Majesty's Privy Council do order, and it is hereby ordered as follows:—

1. Any cattle imported from any country or place, and landed and placed for the space of 28 days (or for such shorter period as may from time to time hereafter be prescribed by the Lords of the Council in respect to the country or place from which any such cattle may be imported), in sheds, pens, or other receptacles properly prepared for their reception, under the provisions of the said recited Order of Her Majesty in Council of the 10th November 1866, may, on the certificate of the Commissioners of Customs that all the cattle are in perfect health and free from infection, be removed to any other place or places in Great Britain with or without a license for such movement as may be requisite under any other Order or Statute in that behalf.

2. Nothing herein contained shall supersede, rescind, or control the authority conferred upon any local authority by any Order of the Privy Council in regard to the movement of cattle or sheep into or out of the district of such authority.

3. This Order shall be construed in like manner as that of the 24th of March last; and every person who shall contravene it shall be guilty of an offence, and be subject to the provision of the said Order relative to offences; and all the other provisions of the said Order not inconsistent herewith shall apply to this Order.

4. This Order shall take effect on and after the 30th day of November 1866.

(signed) *Edmund Harrison.*

(108.)

At the Court at Osborne House, Isle of Wight, the 28th day of December 1866.

PRESENT:

The Queen's Most Excellent Majesty in Council.

WHEREAS Her Majesty, at the Court held at Windsor, the 10th day of November last, by and with the advice of Her Privy Council, by an Order reciting certain provisions of the Act passed in the Session of Parliament holden in the 11th and 12th years of Her Majesty's reign, intituled "An Act to prohibit the Importation of Sheep, Cattle, or other Animals for the purpose of preventing the Introduction of Contagious or Infectious Disorders," and the appearance of the Cattle Plague amongst cattle, and that certain Orders had been made by Her Majesty under the said Act, and that it was expedient to make further regulations under the said Act, and, in particular, to make regulations for subjecting cattle to quarantine:

Her Majesty, by and with the advice of Her Privy Council, did make certain regulations in regard to the landing, reception, and removal of foreign cattle at and from places in Great Britain, under certain conditions:

And whereas doubts have arisen as to the extent of the term "Foreign Cattle," in such Order, and it is advisable to remove the same:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, doth order, and it is hereby ordered, that the said recited Order of the 10th day of November last shall not apply to cattle brought from the Channel Islands, that is to say, the Islands of Guernsey, Jersey, Alderney, or Sark, or from the Isle of Man, into any place in Great Britain, being the produce of such islands respectively.

(signed) *Edmund Harrison.*

(109.)

At the Council Chamber, Osborne House, Isle of Wight, the 28th day of December 1866.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President.	Sir John Pakington, Bart.
Viscount Cranborne.	

WHEREAS by an Act of Parliament made and passed in the Session of Parliament holden in the 11th and 12th years of the reign of Her Majesty, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," it was, amongst other things, enacted, that for the more effectually preventing the spreading of contagious or infectious disease, it should be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time, to make such Orders and Regulations as to them might seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they might designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and that all provisions for any of the purposes in the said Act, in that behalf mentioned, in any such Order or Orders contained, should have the like force and effect as if the same had been inserted in that Act; and all persons offending against the same should, for each and every offence, forfeit and pay any sum not exceeding 20 *l.*, or such smaller sum as the said Lords or others of Her Majesty's Privy Council might in any case by such Order direct:

And whereas the said Act has been continued by divers subsequent Acts, and is still in force:

And whereas it is deemed expedient to make the Order and Regulation following for the purpose of prohibiting and regulating the removal, in pursuance of the said Act, of hay shipped at or imported from any port of Holland, and which has been brought to, or arrived at, any port or place in the United Kingdom:

Now, therefore, the Lords of Her Majesty's Most Honourable Privy Council, in the exercise of the powers vested in them in that behalf, do hereby order that all such hay as shall have been shipped at, or imported from, any port of Holland, and which has been brought to, or arrived at, any port or place in the United Kingdom, shall not be removed out of or from the ship or vessel in which the same shall have been so brought, or shall have so arrived and landed in any port or place of the said United Kingdom, under the pains and penalties in that behalf provided, by the said recited Act.

Provided that, notwithstanding anything in this Order contained, it shall be lawful for the captain or other person in charge of a ship or vessel to land hay which shall have been shipped at or from any port of Holland, and which shall be intended to be consumed in the United Kingdom, by horses only, upon obtaining a license, under the authority of the Lords of Her Majesty's Privy Council, authorising the landing of the hay which shall so have arrived in such ship or vessel, or of such part of such hay as by the said license shall be permitted to be landed, and the transmission thereof to such person or persons, or place or places, as in the said license shall be mentioned in that behalf.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury are to give the necessary directions herein accordingly.

(signed) *Arthur Helps.*

(112.)

At the Council Chamber, Whitehall, the 23rd day of January 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Sir Stafford Northcote, Bart.
Mr. Corry.

WHEREAS Her Majesty, in accordance with the statute in that behalf made, by Her Order in Council at the Court at Windsor, bearing date the 10th day of November last, reciting certain provisions of the statute of the 11th and 12th years of Her Majesty's reign, intituled "An Act to prohibit the Importation of Sheep, Cattle or other Animals, for preventing the Introduction of Contagious or Infectious Disorders, and the Existence of the Cattle Plague amongst Cattle," and that certain Orders had been made by Her Majesty in Council, under the said Act, bearing date the 28th day of July 1856 and the 17th November 1863, did order that, 1st. On and after the 13th day of November then instant, foreign cattle, except cattle intended for immediate slaughter, should be landed only at such places in Great Britain as might have been duly licensed by the Lords of Her Majesty's Most Honourable Privy Council for the landing of foreign cattle, under such conditions as the Lords of the said Council might think fit to impose:

And, secondly, that if on the arrival of any vessel at any place licensed as aforesaid for the landing of foreign cattle, such cattle should be landed in strict conformity with such regulations as the Commissioners of Customs should, with the sanction of the Lords of the said Council, prescribe for that purpose, and be placed in such sheds, pens, or other receptacles properly prepared for their reception by the consignees or other persons, as should have been licensed by the Lords of the said Council for the reception of cattle, and should be kept therein at the sole expense of the owner or consignee, without being in contact with any other animals whatever, subject to the supervision and control of the said Commissioners, and in accordance with any regulation made by them, for such period, not exceeding in any case 28 days, as might be from time to time prescribed by the Lords of the said Council in respect to the country or place from which any such cattle might be imported, such cattle should not be required to be slaughtered at the place of landing, but might be removed at such time, to such place, and upon such conditions as the Lords and others of Her Majesty's Privy Council, or any two or more of them, should from time to time direct in any orders or regulations to be made by them under the provisions of the 11th and 12th years of Her Majesty's reign, c. 107:

And whereas the Lords of Her Majesty's Privy Council have licensed the port of Southampton, in the town and county of Southampton, for the landing of foreign cattle under the provisions of the said Order, and have also licensed certain pens and sheds belonging to the Southampton Dock Company, situated at the said port, for the reception of such cattle, in conformity with the terms of the said Order:

Now, therefore, the Lords of the said Council do hereby order that when foreign cattle are removed from the said pens or sheds, or from any other sheds and pens belonging to the said Company, and situated at the said port to any market in the metropolis of London, such cattle shall be removed by railway only, being loaded into the trucks belonging to the Railway Company on the rail leading from the railway to the sheds at the docks in which the said cattle are kept, and in trucks exclusively appropriated to this particular traffic, and duly and carefully cleansed and purified after each journey.

All other such cattle intended to be removed elsewhere beyond the said town and county of Southampton, shall be removed between the hours of six o'clock in the morning and six o'clock in the evening only, until the 31st day of the month of March next, and thenceforth between sunrise and sunset in every day, with a license in the form prescribed by the Order of their Lordships, bearing date the 8th day of August last, and therein termed the Store Stock License, with this proviso, that a certificate from the officer of Customs at the

said port, certifying that the cattle described in the said license are then healthy and free from the cattle plague, shall be received in the place of the declaration of the owner, and the certificate to accompany it required by the said Order, and the license shall refer to such certificate of the said officer instead of the declaration of the owner.

And farther the said cattle shall be removed to the place mentioned in such license, and to no other place.

This Order shall be construed in all respects, except where there shall be any inconsistency, in conformity with the regulations issued by the Lords of the Council, bearing date the 24th day of March last, and all the provisions therein contained relative to the offences for the contravention thereof, and the penalty for the same, and the powers of the officers employed under it, shall apply to this Order.

This Order shall be published by the local authority of the town and county of Southampton, in some newspaper circulated therein, and by a copy being affixed in some conspicuous part of the said docks.

(signed) *Edmund Harrison.*

(113.)

At the Council Chamber, Whitehall, the 23rd day of January 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Sir Stafford Northcote, Bart.
Mr. Corry. |

WHEREAS Her Majesty, in accordance with the provisions of the statute in that behalf made, by Her Order in Council, at the Court at Windsor, bearing date the 10th day of November last, ordered that on and after the 13th day of November, then instant, foreign cattle, except cattle intended for immediate slaughter, should be landed at such places in Great Britain as might have been duly licensed by the Lords of Her Majesty's Privy Council for the landing of foreign cattle, under such conditions as the Lords of the Council might think fit to impose: And Her Majesty did further order that any licenses so granted should be subject to revocation without notice by the Lords of the said Council:

And whereas the port of Southampton, in the town and county of the town of Southampton, is a fit and proper place for the landing of foreign cattle, and the Lords of the Council are satisfied that such cattle may be landed at that port without risk of spreading the cattle plague disease in this country:

Now, therefore, the Lords of the said Council do hereby license the said port for the landing of foreign cattle within the meaning of the said Order of Her Majesty, until this license shall be revoked or otherwise determined, upon condition also, that all the regulations from time to time prescribed by the Commissioners of Her Majesty's Customs for the landing of cattle at such port, be duly observed.

(signed) *Edmund Harrison.*

(114.)

At the Council Chamber, Whitehall, the 23rd day of January 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Sir Stafford Northcote, Bart.
Mr. Corry. |

WHEREAS Her Majesty, in accordance with the statute in that behalf made, by Her Order in Council, at the Court at Windsor, bearing date the 10th day of November last, ordered that on and after the 13th day of November then instant, foreign cattle, except cattle intended for immediate slaughter, should be landed at such places in Great Britain as might have been duly licensed by

by the Lords of Her Majesty's Most Honourable Privy Council for the landing of foreign cattle, and Her Majesty did make further Orders in respect of foreign cattle landed at any place so licensed, and placed in such sheds, pens, or other receptacles properly prepared for their reception by the consignees or other persons as should have been licensed by the Lords of the said Council for the reception of cattle:

And whereas the Lords of Her Majesty's said Council have by their license, bearing even date herewith, duly licensed the port of Southampton, in the town and county of that name, for the landing of foreign cattle:

And whereas the Southampton Dock Company have prepared divers pens and sheds for the purpose of receiving such cattle at the said port upon land adjoining the docks of the said Company at Southampton, and such pens are situated as follows, and are now distinguished by the following numbers and mark:—

1. Two sheds adjoining each other, forming part of an erection, situated near the northern boundary of the Company's "Open Dock," and numbered respectively 4 and 5.

2. A block of buildings, consisting of four sheds, situated near the eastern corner of the said "Open Dock," which sheds are marked respectively 6, 7, 8, and X.

3. A shed, situated near the south side of the Company's "Close Dock," at present marked 11.

And whereas application has been made by Philip Hedger, superintendent of the said docks on behalf of the Directors of the said Company, to the Lords of the Council for a license for such pens and sheds, in conformity with the said Order, and he hath undertaken, on behalf of the said Company, to comply with all the stipulations, provisions, and regulations set forth in the said application:

Now, therefore, the Lords of the Council do hereby license the pens and sheds hereinbefore described for the reception of foreign cattle under the provisions of the said Order, until this license shall be revoked or otherwise sooner determined.

(signed) *Edmund Harrison.*

(115.)

At the Council Chamber, Whitehall, the 29th day of January 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Sir Stafford Northcote, Bart.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued until the 1st day of August 1867, by divers subsequent Acts, and lastly, by an Act passed in the last Session of Parliament, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time, to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of hay, straw, fodder, or other articles, likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared, and now prevails, amongst cattle in some parts of England:

And whereas by an Order bearing date the 24th day of March last, duly made by the Lords of the said Council, it was among other things ordered, that until the 1st day of June 1866, all cattle brought by sea from any place out of the United Kingdom into any town or place in England shall be marked by clipping the hair off the end of the tail, and no such cattle shall be removed alive from such town or place, except by sea, which regulations have, by a subsequent Order, been continued in force until the Lords of the Council shall otherwise order:

And whereas there is a certain market held for the sale of Cattle in the parish of Saint Mary, Islington, in the county of Middlesex, known as the Metropolitan Cattle Market, which market has been licensed by the Lords of the said Council for the sale of cattle intended for immediate slaughter so long as the above-mentioned Orders shall remain in force, or until the same license shall be revoked, and it is advisable that regulations should be made for the removal of certain cattle to such market to be sold for immediate slaughter:

Now, therefore, the Lords of the said Council do hereby order, that from and after the date of this Order cattle brought by sea from any place out of the United Kingdom to and landed in the Southampton Docks, in the port of Southampton, in the town and county of that name, may be removed by railway to such market, for the purpose of being sold therein for immediate slaughter, anything in the said recited Order to the contrary notwithstanding, subject to the following regulations:

1. All such cattle shall be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs shall from time to time direct, and shall be conveyed without stopping, except for the purpose of feeding or being watered, from the place where they shall be landed to the said market.

2. They shall be brought from the pens and sheds at the said Docks specially appropriated for cattle intended for immediate slaughter, and shall be moved by rail to the railway belonging to the London and South Western Railway Company, and thence along such railway in trucks or carriages exclusively set apart and used for the purpose of conveying cattle brought from abroad, and coloured with a special colour, or otherwise by distinct mark to be approved of by the Lords of the Council, to designate them as so appropriated, and such trucks and carriages shall, after they have been used for the purpose of conveying any cattle to the said market, be thoroughly cleansed and disinfected in such manner as may be necessary, or as the Lords of the Council may from time to time direct.

3. As soon as any truck or carriage shall have conveyed such cattle as aforesaid to the said market, and discharged them there, and have been so cleansed and disinfected, it shall be removed from the neighbourhood of the said market, and returned forthwith to the place from which it shall have brought the cattle.

4. If any truck or carriage is at any time used in contravention of any regulation herein contained, the company or person by whom it is used shall, every time that such truck or carriage is so used, be liable to a penalty not exceeding 5 *l.*

5. This Order shall be published by the local authority of the said town and county of Southampton, by advertisement in some newspaper circulating in the said town, and by affixing a copy thereof at some conspicuous place in the said docks, and at the principal railway station adjoining thereto, and shall be construed in like manner as the said Order of the 24th day of March; and all the provisions therein contained relative to the offences for the contravention thereof, and the penalties for the same, and the powers of the officers employed under it, as others, shall apply to this Order, except so far as they may be inconsistent with anything herein contained.

(signed) *Edmund Harrison.*

(122.)

At the Council Chamber, Whitehall, the 15th day of February 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Mr. Secretary Walpole. | Mr. Cave.

WHEREAS by an Order of the Lords of Her Majesty's Privy Council bearing date the 24th day of March last, reciting certain provisions of the Act of the 11th and 12th years of Her present Majesty's reign, chapter 107, which has been continued by divers Acts, and lastly by an Act of the last Session of Parliament, until the 1st day of August next, and the end of the then next Session of Parliament, and the appearance and prevalence of a contagious and infectious disorder, generally designated the "Cattle Plague," amongst cattle in England and Wales, and sundry other matters, the said Lords did, in exercise of the powers given by the said Act so continued as aforesaid, make divers Rules and Regulations, and did, among other things, order that until the 1st day of June 1866, all cattle brought by sea from any place out of the United Kingdom into any town or place in England should be marked, by clipping the hair off the end of the tail; and that no such cattle should be removed alive from such town or place, except by sea, and that town or place in such Regulation should, according to circumstances, mean, in the case of any town or place other than the metropolis or any borough, such area as might be defined by the Privy Council to constitute such town or place:

And whereas such Order hath, by a subsequent Order bearing date the 26th day of May last, been continued and amended until the Lords of the said Council should thereafter otherwise order:

And whereas cattle may now be brought by sea to a place in the harbour of Chichester, in the county of Sussex, termed Del Quay, situated on one side of the said harbour, but without the municipal boundaries of the city and borough of Chichester, and it is expedient that the area of the said place should be defined according to the regulation aforesaid:

Now, therefore, the Lords of the Council do hereby, for the purposes of the said first-mentioned Order, define the area of the said place to be all that space occupied by the landing-place, wharf, sheds, and other premises now in the possession and occupation of the mayor, aldermen and burgesses of the city of Chichester, and no other, so that all cattle brought by sea from any place out of the United Kingdom, and landed at that place, shall be slaughtered within such area, and not elsewhere:

And the said Lords do further order that all the regulations of the said Order of the 24th March now in force, and not inconsistent herewith, shall apply to this Order:

And further, that the local authority of the said county of Sussex shall publish this Order by causing a copy thereof to be advertised in some newspaper circulating in the said county.

(signed) *Edmund Harrison.*

(126.)

At the Council Chamber, Whitehall, the 19th day of February 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Mr. Adderley.
Mr. Corry. |

WHEREAS by an Order of the Lords of Her Majesty's Privy Council, bearing date the 24th day of March last, reciting certain provisions of the Act of the 11th and 12th years of Her present Majesty's reign, chapter 107, which has been

been continued by divers Acts, and lastly by an Act of the last Session of Parliament, until the 1st day of August next, and the end of the then next Session of Parliament, and the appearance and prevalence of a contagious and infectious disorder, generally designated the Cattle Plague, amongst cattle in England and Wales, and sundry other matters, the said Lords did, in exercise of the powers given by the said Act so continued as aforesaid, make divers rules and regulations, and did, among other things, order that until the 1st day of June 1866 all cattle brought by sea from any place out of the United Kingdom into any town or place in England should be marked, by clipping the hair off the end of the tail; and that no such cattle should be removed alive from such town or place, except by sea, and that town or place in such regulation should, according to circumstances, be the area of any borough or such other limits as may be defined by the Privy Council in respect of such borough:

And whereas such Order hath, by a subsequent Order, bearing date the 26th day of May last, been continued and amended until the Lords of the said Council should thereafter otherwise order.

And whereas cattle are brought by sea from places out of the United Kingdom into the borough of Liverpool, in the county of Lancaster, but it is expedient that certain limits should be prescribed within the said borough, into which such cattle may be brought:

Now, therefore, the Lords of the Council do hereby define the limits of the said borough into and within which cattle may be brought by sea from places out of the United Kingdom as follows; that is to say:—

All that space within the said borough which is bounded on the north by the south side of Battery-street, Bankfield-street, and Bankhall-street, the west side of the Southport Railway, to the boundary of the borough, and thence to the east side of the Lancashire and Yorkshire Railway; on the east by the Lancashire and Yorkshire Railway, so far as the south side of Athol-street; on the south by the south side of Athol-street, to the west side of Great Howard-street; on the west by the west side of Great Howard-street, to the south side of Sandhill-lane; and thence by Sandhill-lane to the west side of Regent-road.

All cattle brought by sea from any place out of the United Kingdom, so landed at the port of Liverpool in the said borough, shall be slaughtered within such limits and not elsewhere, and no cattle brought within such limits shall be removed therefrom alive:

And the said Lords do further order that all the regulations of the said Order of 24th March now in force, and not inconsistent herewith, shall apply to this Order, and any contravention of any provision herein contained shall be deemed to be an offence within the operation of the said Order of the 24th day of March last, and be punishable as therein provided:

And further, that the said Mayor, Aldermen, and Burgesses of the said borough of Liverpool shall publish this Order by causing a copy thereof to be advertised in some newspaper circulating in the said borough, and by causing a copy thereof to be affixed in some conspicuous place of the port aforesaid.

(signed) *Arthur Helps.*

(134.)

At the Council Chamber, Whitehall, the 11th day of April 1867.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT:

Lord President. | Duke of Richmond.

WHEREAS by an Act passed in the Session of the 11th and 12th years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent, until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued until the 1st day of August 1867, by divers subsequent Acts, and lastly, by an Act passed in the last Session of

of Parliament, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time, to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of hay, straw, fodder, or other articles, likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared, and still prevails, amongst cattle in some parts of England:

And whereas by an Order bearing date the 24th day of March 1866, duly made by the Lords of the said Council, it was, among other things, ordered, that until the 1st day of June, 1866, all cattle brought by sea from any place out of the United Kingdom into any town or place in England shall be marked by clipping the hair off the end of the tail, and no such cattle shall be removed alive from such town or place, except by sea, which Regulations have, by a subsequent Order, been continued in force until the Lords of the Council shall otherwise order:

And whereas there is a certain market held for the sale of cattle in the parish of Saint Mary, Islington, in the county of Middlesex, known as the Metropolitan Cattle Market, which market has been licensed by the Lords of the said Council for the sale of cattle intended for immediate slaughter so long as the above-mentioned Orders shall remain in force, or until the same license shall be revoked, and it is advisable that Regulations should be made for the removal of certain cattle to such market to be sold for immediate slaughter:

Now, therefore, the Lords of the said Council do hereby order that from and after the date of this Order cattle brought by sea from any place out of the United Kingdom to and landed in the port of Harwich, in the county of Essex, may be removed by railway to such market, for the purpose of being sold therein for immediate slaughter, anything in the said recited Order to the contrary notwithstanding, subject to the following Regulations:—

1. All such cattle shall be landed in such manner, at such times, and subject to such supervision and control, as the Commissioners of Customs shall from time to time direct, and shall be conveyed without stopping, except for the purpose of feeding or being watered, from the place where they shall be landed to the said market.

2. They shall be brought from the pens and sheds at the said port specially appropriated for cattle intended for immediate slaughter, and shall be moved by rail to the railway belonging to the Great Eastern Railway Company, and thence along such railway in trucks or carriages exclusively set apart and used for the purpose of conveying cattle brought from abroad, and coloured with a red stripe two feet wide all round, to designate them as so appropriated, and such trucks and carriages shall, after they have been used for the purpose of conveying any cattle to the said market, be thoroughly cleansed and disinfected in such manner as may be necessary, or as the Lords of the Council may from time to time direct.

3. As soon as any truck or carriage shall have conveyed such cattle as aforesaid to the said market, and discharged them there, and have been so cleansed and disinfected, it shall be removed from the neighbourhood of the said market, and returned forthwith to the place from which it shall have brought the cattle.

4. If any truck or carriage is at any time used in contravention of any regulation herein contained, the company or person by whom it is used shall, every time that such truck or carriage is so used, be liable to a penalty not exceeding five pounds.

5. This Order shall be published by the local authority of the Borough of Harwich, by advertisement in some newspaper circulating in the said borough, and by affixing a copy thereof at some conspicuous place at the said port, and at the principal railway station adjoining thereto, and shall be construed in like manner as the said Order of the 24th day of March 1866; and all the provisions therein contained relative to the offences for the contravention thereof, and the penalties for the same, and the powers of the officers employed under it, as others, shall apply to this Order, except so far as they may be inconsistent with anything herein contained.

(signed) *Edmund Harrison.*

(138.)

At the Council Chamber, Whitehall, the 13th day of April 1867

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT.

Lord President.	Mr. Hammond.
Duke of Richmond.	Mr. Cave.
Lord Robert Montagu.	

WHEREAS by an Act passed in the Session of Parliament of the 11th and 12th years of Her present Majesty's reign, chapter 105, intituled "An Act to prohibit the Importation of Sheep, Cattle, or other Animals, for the Purpose of preventing the Introduction of Contagious or Infectious Disorders," after reciting as therein is recited, it was enacted "that it shall be lawful for Her Majesty, from time to time, by Order in Council, to prohibit the importation or introduction into the United Kingdom, or into any particular port or ports thereof, of cattle, sheep, horses, or other animals, either generally or from any place or places that may be named in such Order, for such period or periods as She may deem to be necessary for the purpose of preventing the introduction of any infectious or contagious disorder among the sheep, cattle, horses, or other animals in this country:"

And whereas by an Act passed in the Session of the 11th and 12 years of Her present Majesty's reign, chapter 107, intituled "An Act to prevent until the 1st day of September 1850, and to the end of the then Session of Parliament, the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals," and from time to time continued by divers subsequent Acts, and lastly by an Act passed in the Session of the 28th and 29th years of the reign of Her present Majesty, chapter 119, it is (amongst other things) enacted, that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any two or more of them, from time to time to make such Orders and Regulations as to them may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts or places as they may designate in such Order or Orders, of sheep, cattle, horses, swine, or other animals, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate infection, and to make any other Orders or Regulations for the purpose of giving effect to the provisions of the said Act, and again to revoke, alter, or vary any such Orders or Regulations; and that all provisions for any of the purposes aforesaid in any such Order or Orders contained shall have the like force and effect as if the same had been inserted in the said Act:

And whereas the said Act has been amended and explained by an Act passed in the 29th year of Her present Majesty's reign, intituled "An Act to amend the Act of the 11th and 12th years of Her present Majesty, chapter 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals:"

And whereas a contagious or infectious disorder, generally designated as the "Cattle Plague," has lately appeared, and still prevails, amongst cattle in some parts of England, and in divers parts beyond the seas:

And

And whereas divers Orders have been made by the Lords of the said Council in relation to the Cattle Plague, which were consolidated and amended by an Order bearing date the 24th day of March 1866:

And whereas by an Order bearing date the 26th day of May 1866, some of the regulations contained in the said Order of the 24th day of March 1866, which would have ceased on the 1st day of June then next following, were continued, and certain further regulations were made with respect, amongst other things, to the landing of foreign cattle, and the movement of cattle:

And whereas by an Order bearing date the 7th day of November 1866, the Lords of the said Council made certain provisions with regard to the licensing and holding of markets for the sale of animals intended for immediate slaughter or otherwise; and in such Order it is provided, amongst other things, that no license shall be granted under that Order permitting any market to be held in any port or other place into which animals are imported from any country not part of the United Kingdom:

And whereas it is desirable that certain further regulations shall be made with regard to the licensing and holding of markets, and in relation to cattle imported into England and Wales from foreign countries, and for preventing the introduction of infectious and contagious disorders amongst animals in this country:

Now, therefore, the Lords of Her Majesty's Privy Council do hereby, by virtue of the said recited Acts, and of every other Act enabling them in that behalf, order, that, notwithstanding anything in the said Orders or in any other Orders of the said Council to the contrary,—

1. Markets may be held, with the license of the Lords of the said Council for the sale of animals otherwise than for immediate slaughter, at any port or other place in England or Wales into which animals may be imported from any country not part of the United Kingdom: Provided, that in ports or places in which licenses to hold such markets as aforesaid shall be granted, no cattle brought by sea from any place out of the United Kingdom, except the Channel Islands and the Isle of Man, shall be landed, except at some part of such port or place, to be defined in some Order or Orders of the Lords of the Council, nor until some such Order or Orders has or have been so made, nor shall they be moved from such part of such port or place except to be taken to the nearest shed or slaughter-house in such port or place, which shall have been duly licensed by the Lords of Her Majesty's Council for the reception or slaughter of foreign cattle, and they shall be there slaughtered within four days from the day of landing, both days inclusive.

2. All lambs, sheep, goats, and swine brought by sea from any place out of the United Kingdom into any town or place in the United Kingdom in the same vessel with any foreign cattle, shall be dealt with in all respects as such foreign cattle, and shall be subject to all the regulations applicable to such foreign cattle brought by sea into any such town or place.

3. That nothing herein contained shall affect an Order of Her Majesty in Council of the 10th day of November 1866, relative to the landing of foreign cattle, and subjecting such cattle to quarantine, nor any Orders regulating the performance of quarantine of animals, nor any Order now in existence or hereafter to be duly sanctioned allowing or permitting the movement of foreign cattle from any port in Great Britain to London or elsewhere.

4. This Order shall be construed in like manner as that of the 24th day of March 1866; and every person who shall contravene it shall be guilty of an offence, and be subject to the provision of the said Order relative to offences; and all the other provisions of the said Order not inconsistent herewith shall apply to this Order.

5. This Order shall take effect on and after the 15th day of April 1867.

(signed) *Edmund Harrison.*

(*e.*)—GENERAL LIST and INDEX to CATTLE PLAGUE ORDERS.

General List of Cattle Plague Orders.

No.	Date.	SUBJECT.	Parts affected.	Page.
	1865:			
5	25 August -	Cattle may not be moved from Great Britain to Ireland - -	Great Britain - -	57
7	7 September	Skins, hides, horns, &c. may not be moved from Great Britain to Ireland.	- ditto - - -	58
8	13 September	Skins from India, South America, or Australia, brought into Great Britain, may be moved to Ireland.	India, South America, and Australia.	59
11	29 September	Sheep and lambs, and skins of such, may not be moved from Great Britain to Ireland.	Great Britain - -	60
15	27 November	Horns brought into Great Britain from India, South America, or Australia, may be moved to Ireland.	India, South America, and Australia.	61
	1866:			
19	1 February -	"Limed" sheep and lamb pelts may be moved to Ireland - -	Great Britain - -	62
26	24 March -	Importation of Cattle and Sheep, from Holland prohibited - -	Holland - - -	66
28	24 March -	Consolidated Order - - - - - - - - -	England and Wales -	3
33	11 April -	Ditto - (North West District excepted) - - - -	Scotland, except North West District.	14
36	27 April -	Foreign Cattle landed at any place on the Thames or Medway West of Nore, may be moved by rail, to Metropolitan Cattle Market.	Metropolitan Cattle Market.	67
40	26 May -	Continues and amends parts of O. C. 28 and 33, and regulates Movement to Commonable Lands.	Great Britain - -	25
42	26 May -	Excepts Cows from Channel Islands or Isle of Man from Foreign Cattle Regulations.	Channel Islands and Isle of Man.	68
44	1 June -	Directs how Trucks, &c. are to be disinfected - - - -	Great Britain, except North West of Scotland.	27
54	27 June -	Excepts Friesland and Groningen from O. C., No. 26 - - -	Friesland and Groningen.	70
55	27 June -	Hides and Skins from Holland (except Friesland and Groningen) prohibited.	Holland - - -	71
60	31 July -	Directs publication of Orders and Regulations of Local Authority	Scotland - - -	27
63	8 August -	Continues Provisions of O. C., 24 March, No. 28, and 11 April, No. 33, which apply to cattle landed from Ireland.	Great Britain and Ireland.	63
64	8 August -	Modifies Licenses for Movement, and other parts of O. C. 28, and directs publication of Orders and Regulations of Local Authority.	England and Wales -	28
66	11 August -	Suspends Regulations as to Movement and Markets - - -	Scotland - - -	31
67	31 August -	Prohibits Removal of Animals from England and Wales into Scotland	Great Britain - -	33
70	18 September	Prohibits Sheep and Lamb Markets (except under license), in the Counties named in Schedule, O. C., 8 August, No. 64.	Essex and Cheshire -	45
71	18 September	Directs slaughter of Animals exposed in any Market with Foreign Cattle.	Scotland - - -	34
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91	30 October -	Cattle and other animals may be moved from Cumberland and Northumberland into Scotland.	Cumberland, Northumberland, and Scotland.	47
93	7 November	Power to license "Markets" for slaughter or otherwise - -	England and Wales -	35
96	10 November	Quarantine Order - - - - - - - - -	Great Britain - -	73
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99	22 November	Cattle may be moved from Quarantine pens with Customs Certificate of Health.	Great Britain - -	74
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113	23 January -	Licenses Southampton for the landing of Foreign Cattle - -	- ditto - -	78
114	23 January -	Licenses pens at Southampton for reception of Cattle under Quarantine.	- ditto - -	78
115	29 January -	Foreign Cattle, for immediate slaughter, may be moved by rail, from Southampton to Metropolitan Market.	- ditto - -	79
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Part II.

RETURN of the Markets in *England* and *Wales* which are now Licensed for the Sale of Fat Cattle, under the Order of Council of 24th March 1866.

County.	Date.	County.	Date.
ENGLAND.		*England—continued.*	
Bedford:		Metropolis:	
Luton	18 Jan. 1867	Metropolitan Cattle Market.	31 May 1866
Cornwall:		Northumberland:	
Helston	1 April 1867	Newcastle-upon-Tyne	31 May 1866
Cumberland:		Stafford:	
Carlisle	1 June 1866	Hanley	8 Feb. 1867
Devon:		Stoke-upon-Trent	18 Jan. 1867
Plymouth	31 May 1866	Wolverhampton	31 May 1866
Durham:		Suffolk:	
Stockton-on-Tees	31 May 1866	Ipswich	11 Jan. 1867
Gloucester:		Warwick:	
Bristol	31 May 1866	Birmingham	31 May 1866
Hants:		York, West Riding:	
Southampton	11 Dec. 1866	Bradford	29 Jan. 1867
Lancaster:		Halifax	31 May 1866
Ashton-under-Lyne	31 May 1866	Huddersfield	5 July 1866
Bolton	31 May 1866	Leeds	31 May 1866
Burnley	14 June 1866	Rotherham	31 May 1866
Liverpool (Edge Lane)	22 June 1866	Sheffield	31 May 1866
Oldham	31 May 1866	Wakefield	25 April 1867
Preston	31 May 1866		
Salford	31 May 1866		

Part III.

RETURN of the Markets in *England* and *Wales* which are now Licensed for the Sale of Store Cattle under the Order of Council of 7th November 1866.

County.	Date.	County.	Date.
ENGLAND.		*England—continued.*	
Bedford:		Buckingham:	
Ampthill	24 April 1867.	Aylesbury	21 March 1867.
Bedford	21 Feb. 1867.	Buckingham	21 March 1867.
Dunstable	19 March 1867.	High Wycombe	24 April 1867.
Leighton Buzzard	6 March 1867.	Newport Pagnel	1 April 1867.
Berks:		Stony Stratford	15 March 1867.
Reading	6 March 1867.	Winslow	19 March 1867.
		Wolverton	19 March 1867.

RETURN of the Markets in *England* and *Wales*, &c.—*continued.*

COUNTY.	DATE.
ENGLAND—*continued.*	
CAMBRIDGE:	
Cambridge	25 March 1867.
CORNWALL:	
Bodmin	21 Dec. 1866.
Camelford	28 Feb. 1867.
Launceston	29 Nov. 1866.
Liskeard	29 Nov. 1866.
Menheniot	7 Dec. 1866.
Redruth	7 Dec. 1866.
Stratton	29 Nov. 1866.
CUMBERLAND:	
Cockermouth	5 March 1867.
Wigton	11 Dec. 1866.
DERBY:	
Derby	3 Dec. 1866.
DEVON:	
Ashburton	4 Feb. 1867.
Axminster	12 Feb. 1867.
Bampton	28 Feb. 1867.
Blackawton	12 April 1867.
Chagford	24 April 1867.
Chawleigh	5 Dec. 1866.
Crediton	5 Dec. 1866.
Cullompton	12 Feb. 1867.
Great Torrington	3 Dec. 1866.
Hatherleigh	19 March 1867.
Holsworthy	29 Nov. 1866.
Honiton	17 Dec. 1866.
Ivybridge	15 Jan. 1867.
Modbury	7 Dec. 1866.
Moretonhampstead	20 Nov. 1866.
Newton Abbot	21 Feb. 1867.
Northtawton	13 March 1867.
Okehampton	1 March 1867.
South Molton	22 Nov. 1866.
Tavistock	3 Dec. 1866.
Tiverton	22 Nov. 1866.
Witheridge	29 March 1867.
DURHAM:	
Barnard Castle	29 Nov. 1866.
Darlington	22 Jan. 1867.
Durham	11 Dec. 1866.
St. John's Chapel	29 Nov. 1866.
Wolsingham	24 April 1867.
GLOUCESTER:	
Chipping Sodbury	12 April 1867.
Cirencester	28 Feb. 1867.
Gloucester	15 April 1867.
Tewkesbury	14 Nov. 1866.
Thornbury	11 March 1867.
HANTS:	
Petersfield	1 April 1867.
Romsey	11 Dec. 1866.
HEREFORD:	
Bromyard	7 Dec. 1866.
Hereford	16 Nov. 1866.
Kington	27 Dec. 1866.
Ledbury	24 April 1867.
Leominster	3 Dec. 1866.
Ross	22 Jan. 1867.

COUNTY.	DATE.
ENGLAND—*continued.*	
HERTFORD:	
Bishop Stortford	11 Dec. 1866.
Hemel Hempstead	11 Dec. 1866.
Hertford	7 Dec. 1866.
Hitchen	3 Dec. 1866.
Tring	17 Dec. 1866.
Ware	29 March 1867.
HUNTINGDON:	
St. Ives	11 March 1867.
ISLE of ELY:	
Ely	7 Dec. 1866.
KENT:	
Ashford	16 Nov. 1866.
Canterbury	29 Nov. 1866.
Edenbridge	22 Jan. 1867.
Farningham	5 Dec. 1866.
Sevenoaks	11 March 1867.
Tonbridge	11 Dec. 1866.
LANCASTER:	
Liverpool (Stanley)	18 Feb. 1867.
LEICESTER:	
Leicester	29 March 1867.
LIBERTY of ST. ALBAN:	
Watford	7 Dec. 1866.
MONMOUTH:	
Abergavenny	29 Nov. 1866.
Monmouth	16 Nov. 1866.
Pontypool	3 Dec. 1866.
Usk	29 Nov. 1866.
NORFOLK:	
East Dereham	22 Nov. 1866.
Fakenham	20 Nov. 1866.
Norwich	14 Nov. 1866
NORTHAMPTON:	
Brackley	11 Dec. 1866.
Northampton	11 Dec. 1866.
NORTHUMBERLAND:	
Morpeth	29 Nov. 1866.
NOTTINGHAM:	
East Retford	16 Nov. 1866.
Mansfield	11 March 1867.
Newark	25 Feb. 1867.
Nottingham	7 Feb. 1867.
Ordsall	7 Dec. 1866.
Worksop	19 March 1867.
OXFORD:	
Banbury	28 Feb. 1867.
Bicester	29 Nov. 1866.
Chipping Norton	29 Nov. 1866.
Oxford	14 Nov. 1866.
Thame	20 Nov. 1866.

RETURN of the Markets in *England* and *Wales*, &c.—*continued.*

County.	Date.
England—*continued.*	
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Peterborough	21 Feb. 1867.
Somerset:	
Axbridge	21 March 1867.
Bath	15 March 1867.
Castle Cary	19 March 1867.
Chard	1 March 1867.
Crewkerne	21 March 1867.
Dulverton	13 March 1867.
Frome	25 March 1867.
Glastonbury	16 Nov. 1866.
Langport	15 March 1867.
Midsomer Norton	21 March 1867.
Taunton	6 March 1867.
Wells	28 Feb. 1867.
Wincanton	25 March 1867.
Yatton	15 March 1867.
Yeovil	5 March 1867.
Suffolk:	
Bury St. Edmunds	18 Jan. 1867.
Eye	18 Jan. 1867.
Sudbury	18 Jan. 1867.
Sussex:	
Chichester	5 Feb. 1867.
East Grinstead	5 Dec. 1866.
Hailsham	3 Dec. 1866.
Horsham	5 Dec. 1866.
Hurstpierpoint	5 Dec. 1866.
Lewes	22 Nov. 1866.
Pulborough	5 Dec. 1866.
Steyning	16 Nov. 1866.
Westmorland:	
Kendal	24 April 1867.
Kirkby Stephen	24 April 1867.
Wilts:	
Chippenham	5 March 1867.
Cricklade	13 March 1867.
Devizes	5 March 1867.

County.	Date.
England—*continued.*	
Wilts—*continued.*	
Highworth	15 April 1867.
Malmesbury	13 March 1867.
Marlborough	25 March 1867.
Melksham	15 March 1867.
Salisbury	5 March 1867.
Swindon	11 March 1867.
Trowbridge	21 March 1867.
Wootton Bassett	13 March 1867.
Worcester:	
Evesham	15 March 1867.
Worcester	15 March 1867.
WALES.	
Brecon:	
Brecon	14 Nov. 1866.
Builth	7 Dec. 1866.
Hay	3 Dec. 1866.
Talgarth	7 Dec. 1866.
Denbigh:	
Denbigh	3 Dec. 1866.
Llangollen	17 Dec. 1866.
Llanrwst	1 Feb. 1867.
Ruthin	28 Feb. 1867.
Glamorgan:	
Bridgend	29 Nov. 1866.
Cowbridge	29 Nov. 1866.
Merthyrtidvil	29 Nov. 1866.
Pontypridd	5 Dec. 1866.
Montgomery:	
Llanidloes	7 Dec. 1866.
Radnor:	
Knighton	7 Dec. 1866.
Presteigne	7 Dec. 1866.
Rhayader	7 Dec. 1866.

Part IV.

RETURN of the Ports in the United Kingdom licensed for the Quarantining of Foreign Cattle.

Southampton - - - - - 23 January 1867.

CATTLE PLAGUE.

COPY of the CATTLE PLAGUE ORDERS of the PRIVY COUNCIL, and Parts of such Orders as are now in force; RETURNS of the MARKETS in *England* and *Wales* which are now Licensed for the Sale of FAT CATTLE; of the MARKETS in *England* and *Wales* which are now Licensed for the Sale of STORE CATTLE; and, of the PORTS in the UNITED KINGDOM Licensed for the QUARANTINING of FOREIGN CATTLE.

(*Mr. Read.*)

Ordered, by The House of Commons, *to be Printed,*
10 *May* 1867.

[*Price* 1 *s.*]

FOREIGN CATTLE.

RETURN to an Address of the Honourable The House of Commons, dated 3 June 1867;—*for*,

"RETURNS of the Number of FOREIGN CATTLE Imported into each PORT of the UNITED KINGDOM, and SLAUGHTERED at the PORT of ENTRY, since the Order in Council of the 26th day of May 1866:"

"Of the Number of FOREIGN CATTLE placed in QUARANTINE at *Southampton* or any other Port since the Order of the 10th day of November 1866:"

"And, of the Number of FOREIGN CATTLE brought into the METROPOLITAN MARKETS since the Order of the 27th day of April 1866."

(*Mr. Dent.*)

Ordered, by The House of Commons, *to be Printed*,
11 *July* 1867.

RETURNS of the Number of FOREIGN CATTLE Imported into each PORT of the UNITED KINGDOM, and SLAUGHTERED at the PORT of ENTRY, since the Order in Council of 26 May 1866: Of the Number of FOREIGN CATTLE placed in QUARANTINE at *Southampton* or any other Port since the Order of 10 November 1866: And, of the Number of FOREIGN CATTLE brought into the METROPOLITAN MARKETS since the Order of 27 April 1866.

AN ACCOUNT of the Number of FOREIGN CATTLE Imported into each Port of the UNITED KINGDOM since the Order in Council of 26 May 1866.

Ports into which Imported.	Foreign Cattle, &c., Imported into the United Kingdom, from the Date of the Order in Council to 31st May 1867.					
	Oxen and Bulls.	Cows.	Calves.	Sheep.	Lambs.	Swine and Hogs.
	No.	*No.*	*No.*	*No.*	*No.*	*No.*
London	144,412	1,438	24,051	471,338	11,827	28,694
Bristol	-	-	-	1	-	58
Cowes	426	43	58	549	27	251
Dartmouth	29	-	20	—	—	—
Dover	141	128	94	280	81	217
Falmouth	3,181	336	-	2	—	—
Faversham	14	-	-	20	—	—
Folkestone	-	15	-	-	5	—
Fowey	1	7	5	—	—	—
Goole	746	161	323	4,897	30	2,527
Grimsby	-	1	11	43,897	1	2,787
Hartlepool	1,409	2,862	148	38,809	89	368
Harwich	-	-	21	45,303	24	7,241
Hull	15,412	7,011	3,918	18,382	1,816	5,340
Littlehampton	488	22	132	35	-	654
Liverpool	4,424	1	4	7,277	-	196
Lynn	-	-	-	-	-	2
Middlesborough	236	1,064	44	888	-	23
Newcastle	3,894	3,793	69	16,402	2	79
Newhaven	390	97	93	230	-	625
Penzance	708	—	—	—	—	—
Plymouth	4,846	86	333	2	-	469
Poole	-	-	-	4,155	40	4,043
Portsmouth	894	41	89	2,479	115	4,081
Scilly	-	-	-	-	-	1
Shields, North	9	3	—	—	—	—
Shoreham	1,577	14	192	183	-	136
Southampton	3,720	150	319	4,922	-	2,387
Sunderland	221	83	15	7,887	-	13
Teignmouth	38	-	39	—	—	—
Weymouth	16	-	10	—	—	—
Yarmouth	-	-	-	-	-	3
Leith	3,406	615	23	16,154	877	25
Aberdeen	55	-	-	163	—	—
Dundee	-	-	-	-	-	13
Glasgow	343	-	-	-	-	1
Grangemouth	-	-	-	3,590	106	—
Granton	776	117	30	1,087	51	79
Kirkwall	-	18	—	—	—	—
Dublin	352	-	-	-	-	1
TOTAL, United Kingdom	192,164	18,106	30,041	688,932	15,091	60,314

Office of the Inspector General of Imports and Exports, Custom House, London, 14 June 1867.

Edw. Barnard,
Inspector General.

Custom House,
27 June 1867.

My Lord,

I AM directed to acquaint your Lordship that the slaughtering of cattle imported from abroad under Orders of the Privy Council, except when the cattle may be condemned as diseased, is not under the control of the officers of this revenue, but of the local authorities of the places at which the cattle are landed; and that the Board are therefore unable to furnish any official data of cattle slaughtered.

I am at the same time to state to your Lordship that as all foreign cattle landed at all the Ports in Great Britain are required by the Orders of Her Majesty's Privy Council to be slaughtered at the place of importation, except at the Ports of Southampton and Harwich, and at Thames Haven, in the Port of London (from which places they may be removed to the Metropolitan Market), the Board presume that there is no doubt that all foreign cattle imported, except at the places above stated, were duly taken to the market or place for slaughter, in conformity with Article 2 of the Order in Council of 26th May 1866, although, as before stated, the Board have no means of certifying to that effect.

I have, &c.

The Earl of Belmore. (signed) *George Dickins.*

Secretary's Branch, No. 300.

PORT OF SOUTHAMPTON (which is the only Port at present approved for Quarantine purposes).

ACCOUNT of the Number of FOREIGN CATTLE placed in Quarantine at this Port, since the Order in Council of the 10th of November 1866, in pursuance of Board's Order of the 8th instant, No. 107.

— Nil. —

Custom House,
10 June 1867.

J. Beresford, Collector.

THE Number of Foreign Cattle brought into the Metropolitan Cattle Market from the 27th April 1866 to the 13th June instant, amounted to - - - 149,322

(signed) *Ferdinand Brand*,
Comptroller.

Guildhall, 17 June 1867.

FOREIGN CATTLE.

RETURNS of the Number of FOREIGN CATTLE Imported into each PORT of the UNITED KINGDOM, and SLAUGHTERED at the PORT of ENTRY, since the Order in Council of 26 May 1866; of the Number of FOREIGN CATTLE placed in Quarantine at *Southampton* or any other Port since the Order of 10 November 1866; and, of the Number of FOREIGN CATTLE brought into the METROPOLITAN MARKETS since the Order of 27 April 1866.

(*Mr. Dent.*)

Ordered, by The House of Commons, *to be Printed,*
11 *July* 1867.

Under 1 *oz.*.

COAL MINES (ACCIDENTS AND EXPLOSIONS).

RETURN to an Address of the Honourable The House of Commons, dated 11 February 1867;—*for*,

COPY "of a CIRCULAR LETTER from the Home Office to, and REPORTS from, the Inspectors of Mines to the Secretary of State for the Home Department, on the recent ACCIDENTS and EXPLOSIONS in COAL MINES; together with the LETTER of INSTRUCTIONS of the 29th day of January 1867 from the Secretary of State for the Home Department to Mr. *Southern*, the recently appointed Inspector of Mines."

Whitehall, 9 February 1867. BELMORE.

No. 1.

CIRCULAR.

Sir, Whitehall, 26 December 1866.

UNDERSTANDING that a meeting of the Government mine inspectors is likely to take place on the 23rd January next, preparatory to their making a separate and distinct report in writing of each of their proceedings during the preceding year; and seeing that such report will not in the ordinary course of business be presented to Parliament before the 1st March 1867, Mr. Walpole is extremely anxious, in consequence of the fearful and calamitous accidents which have recently occurred, that you should take that opportunity of conferring together for the purpose of considering whether additional means might not at once be devised for preventing, if possible, the recurrence, or at all events for diminishing the risk, of such and the like accidents in future.

The approaching inquests will probably furnish you with valuable information upon some points, which may properly be brought under the immediate attention of Parliament, and Mr. Walpole has therefore to request that you will be so good as to take this matter into your early consideration, so that he may have, before Parliament meets, your joint opinion thereupon in writing, with such suggestions for the improvement of the law as your knowledge of the subject and your long experience, aided by the inquiries to which I have adverted, may enable you to offer.

I have, &c.
(signed) *Belmore*.

Joseph Dickinson, Esq.,
Inspector of Mines.

No. 2.

REPORT from the Inspectors of Coal Mines.

Sir, London, 26 January 1867.

THE inspectors of coal mines have the honour to acknowledge the receipt of the Earl of Belmore's circular letter of the 26th ult., relative to the fearfully calamitous accidents which have recently occurred. In obedience to your commands we have conferred together for the purpose of considering whether additional means might not at once be devised for preventing, if possible, the recurrence, or at all events for diminishing the risk of such and the like accidents in future.

So far as the inquiries at Barnsley have proceeded, it appears (upon the authority of Mr. Dickinson, who, under the serious affliction which has fallen upon Mr. Morton, the inspector for the district, has been directed by you to supply his place,) that no point has yet transpired at the inquest to which the present requirements of the law, including the special rules, which were in force at the colliery, did not reach, unless it be as to the system of working which has been practised in the principal collieries in that particular seam in the neighbourhood of Barnsley. In the opinion of the inspectors of mines, the system of working, when it involves unnecessary danger, is comprised under the 17th sec. (of the Statute 23 & 24 Vict. c. 151), and may be arbitrated upon, if it appears to be "dangerous or defective, so as in his (*i. e.* the inspector's) opinion to threaten or tend to the bodily injury of any person;" but since, in the opinion of the colliery owners, as expressed before the Honourable the Select Committee of the House of Commons on Coal Mines, the system of working is not so comprised, and as this appears to be one of the most important points, it should not be involved in doubt.

The system of working practised in a district has generally been arrived at after long experience and the trial of different modes; and should not be interfered with except upon clearly different grounds, and as great explosions have occasionally occurred in the neighbourhood of Barnsley, where in general there appears to be no want of care, and where the special rules are of the most stringent and detailed character, supplying almost every conceivable requirement for safety, we are therefore of opinion that the time has now arrived when it may be fairly questioned whether the system which is there practised might not be modified so as to prevent or mitigate the recurrence of such serious calamities, and whether a limitation of the area of coal to be worked, and of the number of men to be at one time employed in a mine working with one pair of pit shafts, would tend towards the same desirable result.

As to the "Talk-o'-th'-Hill" Colliery explosion, upon the authority of Mr. Wynne, it took place, not from any material defect of the provisions of the Act, but because of the first general and several of the special rules, already provided, having been neglected, the general discipline of the mine having been most lax; but the words "under ordinary circumstances" are made the excuse and means of escape from the consequences of neglecting to properly ventilate that part of the mine where the explosion occurred.

In addition to the Arbitration Clause in the Act, a very elastic power is given for providing against the omission of any provision therein by means of the special rules under which any matter relating to safety may be provided for and made law, with the same force as if it had been contained in the Act itself, without the interference of Parliament. Under the circumstances, therefore, we feel reluctant to propose any alteration in the law which, on the whole, appears to be working well; but as our attention has been specially drawn to the matter, after the most careful deliberation, we beg most respectfully to solicit your attention to the following points, upon each of which a majority of the inspectors of mines are of opinion that alterations in, and additions to, the present law, may to some extent tend to lessen the loss of life from accidents in mines: they are as follows:—

First General Rule.—The inspectors feel a difficulty in recommending that the words "under ordinary circumstances" be expunged from this rule, however much they may feel disposed to do so, on the ground that extraordinary circumstances, such as sudden outbursts of gas, and other matters over which there is no control, do actually occur.

Third General Rule (Section 10 of 23 & 24 Vict. c. 151).—That the words "required to be," be struck out, and the rule would then read as follows:—

> 3. Whenever safety lamps are used they shall be first examined and securely locked by a person or persons duly authorised for this purpose.

Fifth General Rule.—That the following rule be substituted for No. 5:—

> 5. Every working and pumping pit or shaft shall be properly fenced at all times, excepting when repairs or other operations may require the temporary removal of the fence.

Ninth

Ninth General Rule.—That the words after "shaft" be struck out, and the rule will then read,—

9. A sufficient cover overhead shall be used when lowering or raising persons in every working pit or shaft.

Thirteenth General Rule.—That after the word "proper" the words "or efficient" be inserted, and the rule will then read thus:—

13. Every steam boiler shall be provided with a proper or efficient steam gauge, water gauge, and safety-valve.

Fifteenth General Rule.—That the following should be substituted for this rule:—

15. Every place likely to contain a dangerous accumulation of gas or water shall be approached by a narrow working place not exceeding 12 feet wide, in which there shall be at least one bore-hole kept constantly in advance and with flank bores on each side.

That the following new General Rules be added:—

16. In all workings in coal, where safety lamps are used as the means of lighting, no blasting powder shall be used in such mine.

17. All working pits where steam or water power is used for winding, shall be fitted with guides.

13th Section. This clause appears to be one-sided, and it is desirable, if with due regard to the rights of all parties concerned, that the ordinary mode of arbitration should be substituted.

19th Section. Any accident reported as a "serious accident," but which may ultimately result in death, should be again reported.

21st Section. As this section is not quite explicit, it is proposed that "pit shafts of" be added after "the," the fifteenth word from the end of the section; it will then read thus:—

21. Pit shafts of the same to be, and to be kept, securely fenced for the prevention of accidents.

22nd Section. That where the maximum penalty is 20 *l.*, the minimum penalty should not be less than 5 *l.*

Act 25 & 26 Vict. c. 79: That in addition to the injunction provided for by the sixth section of this Act, there should be a penalty of 5 *l.* per day for every day during which the offence continues after notice thereof has been given.

The inspectors are of opinion that the present number of 12 inspectors is sufficient for carrying out the Act as it now exists. It is not contemplated that they should act as the viewers or managers of the collieries, but that they should be in the districts, that matters may be referred to them, and that upon accidents occurring which may appear to be of a nature to require it, or upon removable danger being reported to them, or their having reason to suspect danger, inspection may be made, and the requisite steps taken to enforce the provisions of the law. Such investigations press the responsibility of the management upon the only parties to whom it attaches, and produce good effect by causing precautions to be taken which are likely to prevent a recurrence of accidents. If the view taken by some persons, that inspection should reach further than this, were acted upon, it would tend to relieve the owners and managers of mines of the responsibility which now devolves upon them, and to throw it upon the Government, which, unless the inspectors were made as numerous as the managers, and had an equally numerous staff, with power of control over the expenditure, they could not possibly undertake. The ventilation of coal mines requires hourly supervision, and, notwithstanding all the care and attention that can be bestowed, serious accidents will, we fear, occasionally occur. The responsibility must rest somewhere, and if it is intended to place it upon the Government, then the whole subject will require reconsideration.

I have, &c.

The Right Hon. S. H. Walpole, M.P. (signed) *James P. Baker.*

No. 3.

Report of Mr. *Lionel Brough.*

Sir, Clifton, 1 February 1867.

I have the honour to place on record that I do not entirely concur with the general tenor of the report delivered to the Home Office by the mine inspectors on the 26th of January last, inasmuch as that I think it should have expressed more extension of view as regards the preventing of accidents underground.

When the document above referred to was in the course of being put together, I commented on some of the items intended to be embodied in it, and during its discussion I offered propositions and amendments, which, when put to the vote, were for the most part negatived. I have continued to think earnestly about it, and have arrived at the conclusion that it is my duty to represent, in a distinct and separate communication, all the opinions I entertain on the subject.

The different Acts of Parliament for the regulation and inspection of mines have, beyond all manner of doubt, produced beneficial results; a large amount of improvement has manifested itself, both in ventilation and in machinery, and many lives have already been saved by the application of these statutes. Nevertheless, the taking place, from time to time, of fearful explosions would seem to indicate that the period has arrived for still more advance, and for introducing further measures.

The Circular of the 26th of December recites to the inspectors that, at their usual annual meeting, "they should avail themselves of that opportunity of conferring together for the purpose of considering whether additional means might not at once be devised for preventing, if possible, the recurrence, or, at all events, for diminishing the risk of such and the like accidents in future." (The Oaks and the Talk Collieries.) And also requesting, "the joint opinion of the inspectors in writing, with such suggestions for the improvement of the law as their knowledge of the subject and their long experience may enable them to offer."

Paying the closest attention to those words, it is not clear to me that the "joint report" has proved exactly to be the required document; and I cannot but think that in its details it is not sufficiently definite or ample to comprise all that was indicated in the circular from the Home Office.

Under these circumstances, I beg permission to lay before you the following observations:—

I will commence by stating that I am unable to endorse the paragraphs in the joint report that relate to the Oaks and the Talk-of-the-Hill explosions, simply because I am totally unacquainted with either of those collieries. The statements touching on them are matters for evidence by the district inspectors when before the coroners and their juries.

My next observation is to venture on the liberty of recommending that the Arbitration Clause be entirely and immediately altered; whether it be "with due regard to the rights of all parties concerned," or not: instead of the nomination by the owner of five mining engineers, let him select a proper person on his side, and the inspector arrange for another, and then that those two fix on an umpire, according to the old fashion that has so long prevailed in the kingdom.

In reference to the "First General Rule" in the Act of Parliament 23 and 24 Vict. c. 151, I am of opinion that the words "under ordinary circumstances" should be omitted altogether. As it stands at present it has far too much margin, and but too often misleads. That which the inspectors say about it in the report has but little practical signification; in fact, it leaves it as it was originally printed. Whereas, on the other hand, to resolutely strike out the three objectionable words, will be to render the rule plain, practicable, and comprehensive.

"Second General Rule:" An explosion in my own district, with its consequent legal proceedings, satisfied my mind that all entrances to any place not in actual course of working and extension, and suspected to contain dangerous gas of any kind, should be not only "properly" (as the word stands), but actually solidly fenced off, so as to prevent all access thereunto. Of course, though I use the word "solidly," I do not mean such a mass of timber as would impede ventilation,

tion, but enough of it, and so strongly erected, that no rash or inconsiderate person may pass through without the exercise of great strength and violence.

"The Third General Rule" has in the joint report undergone a fair and useful alteration by the abandonment of the words "required to be used;" those words were always a loophole. Safety lamps, whether they are "required" or not, if really used underground for any purpose whatever, should be *locked*; it will not only save hundreds of lives, but it will get the people into good habits and accustom them to wholesome discipline.

"The Fifth General Rule," as it is put in the "joint report," may perhaps be found to work well; at all events, it is better than as it at present exists in the Act of Parliament.

Nothing is said in the joint report about "the Sixth General Rule." My own opinion is that the only true measure of safety will be found in the "securely casing or walling" of all pits, whether they pass through sound or tender strata.

In "the Ninth General Rule" the rejection by the inspectors of the last five words makes it reliable and workable, which could scarcely be said of it previous to the alteration.

"The Thirteenth General Rule," as it appears in the joint report with the introduction of the words "or efficient," becomes greatly strengthened.

In my opinion "the Fourteenth General Rule" should include not only "the securely fencing of the fly-wheel," but also of all moving parts of the machinery where people may incur danger by having, in the course of their duty, to approach or to pass by.

The substitution by the inspectors of a new "Fifteenth General Rule" for the old one, is unquestionably a great improvement.

The framing in the joint report of the "Sixteenth and Seventeenth new General Rules" will be productive of greatly increased benefit as regards the safety of the people.

I strongly incline to the belief that there should be a new "Eighteenth General Rule," to provide for some conventional or stipulated mode of timbering, whatever may be the nature of roof, face, or sides. Something really must be done to prevent mortality by these falls of coal and stone. The number annually killed by such class of accident is dreadful in the extreme. Taking any average number of years since the inspection was established, it will be seen that death by falls of material goes frightfully beyond any loss of life by explosion of fire-damp. In speaking of timbering, I use the words "conventional or stipulated" with reservation and hesitation, because the whole question abounds with practical difficulties. Nevertheless, it is clear that something must be done: we should not go on crushing the people to death in this way.

A most useful new "Nineteenth General Rule" will be one to the effect that *all* working pits where steam or water power is used shall be geared up with efficient guides, cages, and lifting guards.

The requirement of the joint report not only for notice of serious accident, but also for further information when people have died some considerable time after they were injured, is obviously a necessity to the inspector, for he cannot make out a reliable list without such provision.

The recommendation that the "minimum of penalty" be 5 *l.*, is a commendable alteration or addition.

I now arrive at an opinion in the "joint report" with which I cannot coincide, that is to say, with regard to the sufficiency of the present number of inspectors. I believe we require more investigation underground than we have ever yet possessed, and there are two modes of arriving at that desideratum: one is by the employment of sub-inspectors, and the other by again dividing the present twelve large districts of the kingdom.

There was much discussion at the London meeting as to limitation of areas of coal to be wrought by two or more shafts, but no action was taken in the matter, or rather, I should say, no practical recommendation to the Government became embodied. Notwithstanding this, it is, of all things connected with our calling, one of the subjects we should most come to a decision about. Hungry working, and eagerness to get large quantities of coal without corresponding openings, are the fruitful sources of disaster. Something is required to be done to prevent the tearing out of the bowels of the earth; of vast quantities of produce with an obviously inadequate number of shafts and needful previous arrangements. The

working faces should not be pressed upon for more amount than there is wind for, and as may otherwise be consistent with the safety of the people. There must be some limitation to area or acreage, and to the number of persons employed per pair, or more of pits. Of course, much depends on thickness of seam; of angle of inclination; of depth from surface; and many other local conditions; so that any one fixed and unalterable rule on the subject cannot by any possibility apply to England, Wales, and Scotland alike. Such being the condition of things, the matter had better undergo further conference and consideration; but it is certain that something must be done, and I repeat that the endeavour to extract more than the winnings are fairly capable of, may, and does bring about much lamentable calamity. For many years my own opinion has entirely rested on the principle of a greatly increased number of shafts in fiery mines.

All collieries should be panelled or arranged in such manner that men in all the districts of the mine shall not be killed right out when explosion happens to occur in any one particular compartment. The panels, also, should be as isolated as may be found consistent with a free transport of the products to their corresponding and proper winding pits.

Likewise, an adequate number of splits, with ample returns from each as direct as possible to the upcast. Large intakes, proportionate capacity for the exit of the vitiated air, and the splits not by any means to be too lengthened or extended. Furthermore, a most abundant supply of safety officers, coupled with far more discipline than is generally met with in most of the districts. I say nothing of the necessity of an excess of entering air; that of course is well understood to be the *sine quâ non* of all sound and reliable ventilation.

It would greatly tend to the realization of obedience by all parties to the special rules, if the owners as well as the agents were held responsible for their being duly carried out, just as they now are with the fifteen General Rules.

Some better definition as regards ironstone mines is advisable: in Wales and Monmouthshire a difference of opinion exists as to the geological formation to which the Act of Parliament extends. It would settle the question if every description of iron ore, from the bottom of the carboniferous limestone to the very top of the coal measures, was included.

Then, again, about boys: it would avoid all dispute if it became law that none of them should work in mines under the age of 12, irrespective of ability to read and write, or not.

Many accidents have occured in coal mines where safety lamps are used in one part and naked flame in another. This could be simplified by legislating that mixed lights should be altogether done away with in gas-giving collieries.

Provision for widows and orphans, and for seriously injured workpeople is a subject of grave importance: how this is to be dealt with I am unable to say; it is certain that it cannot be settled by a few inspectors and coal-owners, but must be well thought over by all classes before it comes under the notice of the two Houses of Parliament. A proposition was made about it at the London meeting, but a majority of those present declined to entertain it. Dependence on public subscription, though prompt, noble, and always truly English, or the miserable and inefficient method of parochial assistance, are neither of them in accordance with actual and urgent requirement; something fixed, determinate, and never-failing, is the only remedy.

As regards the determining of the sum of 5 *l.* per diem as the penalty under the Act of Parliament 25 & 26 Vict. c. 79, if I remember rightly, every inspector present at the meeting freely gave his vote for the measure.

I conclude by stating my belief that if all the views advanced in this report should meet with adoption, fatality in mines would undergo considerable diminution.

I have, &c.
(signed) *Lionel Brough.*

The Right Hon.
Spencer H. Walpole, M.P.

No. 4.

REPORT of Mr. *Thomas Wynne.*

Sir, Stone, 2 February 1867.

HAVING had the opportunity of consulting with my colleagues as to the best mode of preventing such dire calamities as those which have befallen us at Barnsley and Talke, and as the majority of them do not coincide in my views of prevention, I take the liberty of expressing to you what, in my opinion, would tend to the safety of human life in the working of coal mines.

I am decidedly of opinion that where the inclination of the mine is six inches to the yard (or more), the air ought not to be allowed to be brought downwards after it has once commenced its work of ventilation, and that the upcast shaft should always be to the rise of the workings.

That not more than 200 acres of coal should be worked from one pair of shafts, and that an additional shaft should be provided for every additional 100 acres.

That in all cases where new mines are driven into, every 100 acres should be worked in separate panels or sections, with not more than two roads through the separating "rib," which rib should be at least twenty yards between the sections.

That the words "under ordinary circumstances" should be struck out of the first general rule, as the flimsiest evidence makes the magistrates believe that the circumstances under which an explosion occurs are extraordinary.

That where a manager of a colliery has reason to believe that one of his workmen has a lamp key, tobacco-pipe, matches, or other dangerous articles about his person, the manager should have the power to search such workman previous to his entering the mine.

That the owner of every colliery should transmit to the inspector for the district, during the month of January in every year (and oftener, if any change takes place), the name of the person who is responsible for the proper and safe management of his colliery, so as to fix the responsibility.

That if it be thought advisable that inspection should go further than it does, the appointment of an additional number of inspectors is the best mode of meeting the requirement.

I have, &c.
(signed) *Thomas Wynne,*
Inspector of Mines.

The Right Hon.
Spencer H. Walpole, M.P.

No. 5.

REPORT of Mr. *Peter Higson.*

Sir, Manchester, 6 February 1867.

PURSUANT to your instructions, I have conferred with my colleagues at our annual meeting on the subject mentioned in Earl Belmore's letter of the 26th of December last, and we have prepared and transmitted to you a report thereon, to which a majority of the inspectors have agreed.

In addition to the suggestions therein made for amending the Law for the Regulations of Mines, I have now the honour to inform you that I consider the provision of the Fourteenth General Rule of the Act 23 & 24 Vict. c. 151 inadequate, and that it should be amended and enlarged, so as to provide as follows:—

That the winding drum and all the wheels, and all dangerous parts of every engine, when in motion, shall, as far as practicable, be securely fenced.

I have, &c.
(signed) *Peter Higson.*

The Right Hon.
Spencer H. Walpole, M.P.

No. 6.

LETTER from the Earl of *Belmore* to Mr. *G. W. Southern.*

Sir, Whitehall, 29 January 1867.

MR. SECRETARY WALPOLE has been pleased to appoint you an Inspector of Coal Mines and Ironstone Mines, under the Act 23 & 24 Vict. c. 151, entitled an "Act for the Regulation and Inspection of Mines."

The powers and duties entrusted to you by this appointment are specified in the Act, and you will implicitly follow its directions in the exercise of your official duty.

The accidents which have from time to time occurred in coal pits, arising from various causes, have led to several inquiries, the result of which is contained in some valuable reports, which the Comptroller of the Stationery Office has been instructed to forward to you, on your application for them.

You must however bear in mind that, while it will be your duty to inquire carefully into the state and condition of the mines and collieries in your district, in order that you may be able to point out any defects which may appear to you to be attended with danger to the persons employed in them, it is no part of your duty to enforce any particular mode of ventilation or of working; the responsibility in these respects must rest with the owners and managers; while, therefore, you will afford to any parties who may solicit it, such advice or suggestions, as your knowledge or experience may enable you to offer, you will abstain from dictation, or any unauthorised interference.

In the event of any serious accident occurring in any coal mine or ironstone mine in your district, it will be desirable that, if compatible with your other official duties, you should attend the inquest on the bodies of persons whose death may have been occasioned by such accident, and you should in every such case, carefully inquire into the causes which led to it. It will also be desirable that, soon after the occurrence of any such accident, you should make a careful and minute inspection of the mine, and ascertain whether adequate measures have been taken to remedy the defects to which the accident may have been attributable.

The provisions of the Act 23 & 24 Vict. c. 151, which relate to the age of male persons to be employed in mines and collieries, and the certificates as to education and attendance at school, which are to be required in the case of boys between 10 and 12 years of age, when so employed, demand your careful attention.

On reference to the 2nd section of the Act, you will observe that the owner of a mine or colliery is bound to produce to any inspector of coal mines or ironstone mines, when requested to do so by any such inspector, the certificate referred to in the section; by requiring the production of such certificates, occasionally, you will best ensure the due observance of the salutary regulations which have been established by the Legislature, in regard to the employment of boys between 10 and 12 years of age; and by explaining to the owners that you perform the duty in obedience to the express directions of the Secretary of State, you will be relieved from any appearance of an undue interference with their arrangements, or of a distrust of their compliance with the enactments of the Statute. The degree of education of the boys of this age employed in mines and collieries in your district, and the character of the schools which they attend, should be stated in the annual report, which you are required to make by the 27th section of the 23 & 24 Vict. c. 151.

A copy of a circular letter which was addressed to the inspectors of mines on the 16th of February 1865, containing instructions as to the performance of certain duties required of them, is enclosed for your guidance.

You will not fail to act with courtesy and forbearance in your official intercourse with all persons, and you will encourage a good feeling and understanding between the miners and their employers. The district assigned to you will, for the present, comprise that lately occupied by Mr. Morton, but the districts assigned to inspectors are from time to time liable to interchange and rearrangement, and you may be employed out of your district on any special occasion by the direction of the Secretary of State.

You will receive a salary from the date of your appointment at the rate of 600 *l.* a year, in addition to which you will be repaid your actual travelling expenses,

expenses, and will be allowed the sum of 12*s.* for each night you may be necessarily detained from home in the discharge of your official duties. You will submit an account of these travelling expenses, &c. quarterly, to the Commissioners of Audit, and make them out on the form approved by the Lords of the Treasury, of which a specimen is enclosed.

I have, &c.
(signed) *Belmore.*

George William Southern, Esq.,
Inspector of Mines,
Hallgarth House, Durham,

P. S. Your appointment will appear in the "Gazette" of Friday next, the 1st February.

Enclosure in No. 6.

LETTER from Mr. *T. G. Baring*, M.P., to Inspectors of Mines.
CIRCULAR.

Sir, Whitehall, 16 February 1865.

I HAVE communicated to Secretary Sir George Grey the substance of what passed at the interview which I had last week with three of the inspectors of mines, upon the subjects brought under the notice of the inspectors by my letter of the 26th ultimo, and I have received his directions to communicate to you the following instructions:—

Sir George Grey approves of the form of return proposed to be made annually by the inspectors, showing the number of accidents, &c., as compared with the quantity of coal raised in their districts.

He thinks that it will be sufficient if the inspectors state in their reports the number of collieries in their districts, without giving a nominal list of them.

These returns and the list of accidents should be transmitted, on or before the 1st February in each year, to the inspector, who undertakes to compile an abstract of the returns.

In deference to the unanimous opinion of the inspectors, Sir George Grey will not require them to state in their annual reports the number of mines which they have inspected during the year.

I am to take this opportunity of requesting that you will promptly communicate to the Secretary of State full information with respect to all occurrences of importance in relation to your duties, and especially that, first, if a fatal accident occurs in your district, which, after inspection of the colliery, appears to you to have been caused by a violation of the provisions of the law, you will make a report of the facts to the Secretary of State, accompanied by a statement of your opinion as to the propriety of instituting a prosecution against the owner or manager, or other person connected with the colliery; and that, secondly, if, after the inspection of the colliery, you have pointed out the existence of dangers or serious defects to the owners or agent, and you find, upon a subsequent inspection, that sufficient remedies have not been applied, you will report to the Secretary of State, as provided by the 23 & 24 Vict. c. 151, s. 17, if "notice in writing" is then given to the owners or agents. And if you do not consider it expedient to give such notice, you will be good enough to state the reason.

I am, &c.
(signed) *T. G. Baring.*

Inspector of Mines

COAL MINES
(ACCIDENTS AND EXPLOSIONS).

COPY of a CIRCULAR LETTER from the Home Office to, and REPORTS from, the Inspectors of Mines to the Secretary of State for the Home Department, on the recent ACCIDENTS and EXPLOSIONS in COAL MINES; together with the LETTER of INSTRUCTIONS of 29 January 1867 from the Secretary of State for the Home Department to Mr. *Southern*, the recently appointed Inspector of Mines.

(*Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed,*
18 *February* 1867.

Under 1 *oz.*

ISLE OF MAN LUNATIC ASYLUM.

RETURN to an Order of the Honourable The House of Commons, dated 27 June 1867;—*for*,

COPY "of CORRESPONDENCE between the Treasury, the Home Office, and the Lieutenant Governor of the *Isle of Man*, respecting the insertion in the ESTIMATES for the current Year of a VOTE for the LUNATIC ASYLUM of that Island."

Treasury Chambers, 27 June 1867. GEORGE WARD HUNT.

— No. 1. —

Mr. *H. Waddington* to Mr. *G. A. Hamilton.*

Sir, Whitehall, 2 January 1867.

I AM directed by Mr. Secretary Walpole to transmit to you herewith a copy of a letter from the Lieutenant Governor of the Isle of Man, praying that a Vote for 3,930 *l.* may be included in the Estimates of the ensuing financial year to complete the lunatic asylum in that island; and I am to request that you will submit the same to the Lords Commissioners of Her Majesty's Treasury for their Lordship's directions thereon. 28 December.

I am, &c.
(signed) *H. Waddington.*

G. A. Hamilton, Esq., &c. &c. &c.

Enclosure in No. 1.

Government House, Isle of Man, 28 December 1866.

Sir,

IN anticipation of the whole of the 2,000 *l.* voted last Session of Parliament towards the erection of a lunatic asylum in this island being expended before the end of the present financial year, I have the honour to request that a Vote for 3,930 *l.* may be included in the Estimates for the ensuing year to complete the building.

I have, &c.
(signed) *Henry B. Loch.*

The Secretary of State, Home Department.

— No. 2. —

COPY of TREASURY MINUTE, dated 23 January 1867.

WRITE to the Home Office that, previous to the passing of the Act of last Session, 29 Vict. c. 23, the gross revenue of Customs in the Isle of Man was paid into the Exchequer, and the public expenditure was either charged upon the Consolidated Fund or defrayed by Vote of Parliament. The Insular Government had no funds at its disposal applicable to public purposes, and local taxes were only raised by the Court of Tynwald for the maintenance of bridges, highways, and similar services. *Vide* Parliamentary Return 1864.

Any extraordinary work, therefore, which had to be defrayed at the cost of the insular revenue became necessarily the subject of a Parliamentary Vote.

When, several years ago, the state of the Manx lunatics, both criminal and pauper, was brought to the notice of this Board, their Lordships' predecessors, aware that the Government was responsible for the former class of patients, agreed to provide a moiety of the amount required for the erection of an asylum, and, in conformity with ordinary practice, inserted a sum on account in the Civil Service Estimates of 1865-6.

In the course of the last Session, however, the sanction of Parliament was given to a new system of financial administration. By the Act above cited the revenue of Customs collected in the island was appropriated to the service of the local Government in consideration of a fixed annual payment of 10,000 *l.* to the Exchequer. It was provided by Section 3 that the Commissioners of Customs should pay out of the insular receipts "the necessary expenses attending the government of the Isle of Man, and the administration of justice there, and other charges incurred in the isle which have heretofore been, or may hereafter be, deemed fit and proper charges, to be deducted from and paid out of the duties of Customs collected in the Isle of Man, including so much (if any) of the services which shall have been voted by the House of Commons applicable to the Isle of Man as the Commissioners of Her Majesty's Treasury shall from time to time direct."

It appears to my Lords that it would be inconsistent with the arrangements upon which the Act of last Session is based if they were to ask Parliament to vote in 1867-8 a sum for the erection of a lunatic asylum in the island. It would be, to all intents and purposes, an abatement, not contemplated in the Act, from the fixed contribution of 10,000 *l.* a year directed to be paid into the Exchequer by the 7th section of the Act.

My Lords, therefore, cannot consent to insert the sum of 3,930 *l.* in the Civil Service Estimates for the ensuing year; and they are of opinion that that service must be defrayed in the same manner as other expenses attending the government of the island.

— No. 3. —

Earl of *Belmore* to the Secretary to the Treasury.

Sir, Whitehall, 7 February 1867.

Isle of Man, 28 January 1867.
6 February 1867.

With reference to your letter of the 25th ultimo, I am directed by Mr. Secretary Walpole to transmit to you herewith copies of two further letters from the Lieutenant Governor of the Isle of Man, relative to the payment of the Government moiety towards the cost of building and furnishing a lunatic asylum in that island; and I am to request that you will submit the same to the Lords Commissioners of Her Majesty's Treasury, with Mr. Walpole's earnest recommendation that the Lieutenant Governor's application should, under the circumstances of the case, be favourably considered by their Lordships, and that the arrangement entered into between the Treasury and the Manx Legislature in 1860 should be adhered to and fulfilled.

I am, &c.
(signed) *Belmore.*

George Ward Hunt, Esq., M.P.,
&c. &c. &c.
Treasury.

Enclosure 1, in No. 3.

Government House, Isle of Man,
Sir, 28 January 1867.

I have the honour to acknowledge the receipt of your letter of the 26th instant, transmitting a copy of a letter from the Treasury with reference to a vote being included in the Estimates of the ensuing financial year, for the completion of the Lunatic Asylum in the Isle of Man, and declining, for reasons stated therein, to include the sum required in the Civil Service Estimates; in reply to

Mr.

Mr. Secretary Walpole that I should furnish him with my observations thereon, I beg, in the first instance, to refer to the circumstances under which the Act of 29 Vict. cap. 23, referred to in their Lordships' letter, was submitted to Parliament.

It was necessary, for the purpose of carrying out harbour works in the Isle of Man, to devise some scheme by which the annual amount available for these purposes could be increased, and I suggested that there should be an increase in the duties on certain articles of consumption, bringing them more in accordance with the duties levied on similar articles imported into England, and that the increase should be devoted to the object I had in view; the result of the negotiations was the Act above cited, the introduction of the words in Clause 3, "including so much (if any) of the services which shall have been voted by the House of Commons applicable to the Isle of Man, as the Commissioners of Her Majesty's Treasury shall from time to time direct," had reference only to the Vote annually taken by the Board of Works for the repair of court-houses, &c., in the Isle of Man, as it was thought it might be desirable to charge these expenses direct, instead of their passing through Parliament, and, under any circumstances, the words in question are permissive, and do not convey a compulsory direction. During the various occasions when the proposed changes were discussed, the question that the Government should be relieved of the obligation that it had accepted in regard to providing one-half towards the cost of building the lunatic asylum was never mooted; and I can conscientiously assert that the course now suggested by their Lordships was never contemplated at any period during the preparation of the Bill, nor when the Bill was submitted to Parliament; in confirmation of this, I have only to refer to their Lordships' letter of the 7th instant, in which I am required to state the amount "which should be provided in the Estimate to meet the payments which will take place in the year ending 31st March 1868."

Their Lordships further state, that until the passing of the Act above named, there was no fund at the disposal of the Insular Government applicable for public works, but I beg to observe that since the passing of "The Customs Consolidation Act, 1855," one-ninth of the gross Customs receipts have been applicable for these purposes. There are, however, I submit, broader principles than the reasons above cited that should govern the consideration of this question, viz., the nature and extent of the obligations accepted by the Government, and the way in which those obligations may have influenced the action of the Local Legislature.

By reference to previous correspondence, it will be found that it was a suggestion from the Government that it should provide one-half towards the erection of a lunatic asylum, and the Lieutenant Governor of the Isle of Man was directed to propose to the local Legislature that they should rate the island for the other moiety; on this understanding, and on the faith that the Government would carry into effect, so far as it had the power, the conditions it had suggested, the local Legislature passed an Act authorising a rate to be levied to provide the proportion to be paid by the island. The Government required that the site and plans should be approved by the Commissioners in Lunacy before signifying its assent; after which the Government approved the Estimates and agreed to submit a Vote to Parliament for one-half.

I do not see how the Act 29 Vict., cap. 23 affects the obligation thus entered into by the Government with the local authorities, who, on their part ratified the conditions required of them by passing an Act of Tynwald.

The Preamble of the Local Act, authorising the rate, recites the conditions under which that rate is to be levied, viz., the agreement on the part of the Government to pay one-half, and I venture to submit if the Government fail to fulfil this part of the contract, the levying the rate under the authority of this measure may become an act of questionable legality.

I therefore most earnestly submit for the consideration of Mr. Secretary Walpole:

1. That the Act 29 Vict., cap. 23 never contemplated charging the moiety to be provided by a Vote of the House of Commons upon the local revenue.

2. That it in no way cancels the obligation entered into by the Government with the local authorities.

3. That if the Government charged the local revenue with the moiety for which it had undertaken to submit a Vote to the House of Commons, it might

possibly render illegal any action taken under the authority of the local measure, which was passed at the instance of the Government; and further, I regret to state that such a course might be viewed as a breach of faith on the part of the Government to fulfil an obligation contracted with the local authorities, after having committed them to a line of action and to an expenditure which they would not otherwise have accepted.

I trust that, taking the whole of the circumstances of the case into consideration, Mr. Secretary Walpole will move their Lordships to include 3,930*l.* for the lunatic asylum in the Estimates of the ensuing financial year.

I have, &c.

The Under Secretary of State,
Home Department.

(signed) *Henry B. Loch.*

Enclosure 2, in No. 3.

Government House, Isle of Man,
6 February 1867.

My Lord,

In reply to your Lordship's letter of the 5th instant, acquainting me that Mr. Secretary Walpole would be glad to receive further information respecting the arrangements which were entered into on the part of the Government with the local authorities of the Isle of Man, with reference to the payment by the Government of one-half of the cost of building and furnishing a lunatic asylum in that island, and especially requiring information in regard to the actual sums voted and received on account of the asylum, I have the honor to state that the correspondence connected with this subject extends over a long period; but I would more especially call attention to that which passed in 1858, 1859, 1860, to Mr. Secretary Walpole's letters addressed to the Lieutenant Governor of the 23rd July, 1858, and 2nd October of the same year, and to Mr. Secretary Sotheron Estcourt's letter of the 27th April 1859,* transmitting to the Lieutenant Governor a copy of a letter from the Treasury, stating that the Lords Commissioners will be prepared to defray one-half of the expenses which will be incurred for providing an asylum, and authorising the Lieutenant Governor to insert in the local measure a statement to that effect.

I also beg to call attention to a letter addressed by Mr. Howard to the Lords Commissioners of the Treasury, dated the 28th October 1859, requiring that the whole of the Crown property in the Isle of Man should be exempt from assessment, in consideration of their Lordships having agreed to defray one-half of the cost of the purchase of the site, and of the erection, furnishing, and completion of an asylum. Such exemption was secured by a clause in the local measure. I believe I am correct in stating that the Crown property in the Isle of Man exceeds 11,000 or 12,000 acres in extent.

I again venture to urge upon Mr. Secretary Walpole's attention that the question of charging the local revenue with the Government moiety towards the erection of the lunatic asylum was not considered or discussed when the Act of last Session was in course of preparation, and it cannot be supposed that the Treasury contemplated such a change without communicating their Lordships' intention to me at the time, or that the Treasury should have passed by in silence a matter which, if considered, would have affected the Vote subsequently submitted and obtained from Parliament. The words in the Act, "including so much (if any) of the services which shall have been voted by the House of Commons applicable to the Isle of Man, as the Commissioners of Her Majesty's Treasury shall from time to time direct," were inserted to enable the proportion expended in the Isle of Man, on account of Education and Board of Works, to be recovered out of the Insular Customs Revenue, which, without these words, could not, I believe, have been done, as the expenditure on these two accounts are included in the general Estimates taken for the two departments; and I contend that the words in question were intended only to apply to those services named in the Act 29 Vict., cap. 23, or in the Treasury Minute of the 5th July last, and that the Vote for the lunatic asylum being an exceptional one, and taken on distinct grounds from all the other Votes, viz., to fulfil a special obligation on bargain entered into with the local authorities, was consequently not included in either

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* Correspondence on the subject was laid before Parliament in 1864.

either the Act or Minute. I submit further, that the amount agreed to be paid by Government on account of the asylum should be looked upon as a pecuniary obligation due and payable when incurred. It may be considered as having been incurred when the offer of the Government was accepted in 1859 or 1860, when the Local Act was passed. Between 1860 and 1866, the Government were in receipt of the surplus of the Manx Revenue, out of which to pay the money.

As regards the actual sums voted and received on account of the asylum, I have the honour to state that 4,000 *l.* was voted in 1865, and 2,000 *l.* in 1866. Of this 6,000 *l.*, only 2,053 *l.* has been expended. Application has been made to the Treasury to authorise the payment of 977 *l.* 18 *s.* 1 *d.* now due on account of the Government moiety. This will make a total expenditure of 3,030 *l.* 18 *s.* 1 *d.*, leaving 2,969 *l.* 1 *s.* 11 *d.* still unexpended of the 6,000 *l.* voted. I apprehend, under any circumstances, no doubt can exist as to the Island being entitled to this balance.

I trust, taking into consideration the way in which the proposal to provide one-half towards the erection of an asylum emanated from the Government, that the Crown property was made exempt from assessment, as part of the arrangement; that the question was never referred, directly or indirectly, to the local authorities during the preparation of the Act of last Session; that the Vote for the asylum is not named either in the Act or Treasury Minute; and that, as it may be reasonably argued, the pecuniary obligation accepted by the Government was due and payable when incurred; that Mr. Secretary Walpole will be able to represent strongly to the Lords Commissioners of the Treasury that the obligations entered into with the local Legislature in 1860 is still binding on the Government.

I have, &c.

The Earl of Belmore,
&c. &c. &c.

(signed) *Henry B. Loch.*

— No. 4. —

Copy of Treasury Minute, dated 4th March 1867.

Write to Lord Belmore, that my Lords, in compliance with Mr. Walpole's earnest request, conveyed to them in his Lordship's letter of the 7th inst., have given their most favourable consideration to the letters of the Lieutenant Governor of the Isle of Man of the 28th ultimo, and 6th instant, remonstrating against the course taken by this Board in refusing to submit to Parliament a Vote for the lunatic asylum now in course of construction.

My Lords must observe in the first place, that they are in the habit of sending out circulars to ensure timely rendering of the estimates, and that the Board's letter of the 7th January, alluded to by the Lieutenant Governor in his letter of 28th January, was issued inadvertently along with others of the same nature.

Passing to the arguments put forward in support of his case, they regret to find that they must differ with the Lieutenant Governor on several important points. It will be seen by reference to the correspondence laid before Parliament in the Session of 1866, that the proposal to increase the duties levied in the island emanated from the Lieutenant Governor, who attached to it conditions that involved great changes in the financial relations of the Treasury to the island.

The scheme of the Lieutenant Governor was discussed at length, and, on the 21st December 1865, my Lords assented to the principle of appropriating in this instance the proceeds of increased taxation to the uses of the island. They laid down, however, a previous condition, that "as a basis of the new arrangement, the effects upon the revenue should be at the risk of the island, and not of the United Kingdom; and that instead of a proportionate amount of the gross receipt being paid to the former, the sum going to the Exchequer should be fixed by law." They went on to state, that "even in laying down this rule, they feel that they are making an important concession to the island, which will hereafter reap the entire benefit of its increasing prosperity and consequent revenue." My Lords proceeded to inquire next, what should be the amount of the fixed contribution to the Exchequer, and they came to the conclusion, that "considering that the military and naval defence of the island is entirely at the expense of the Government of the United Kingdom, and that its inhabitants

enjoy the privileges of British citizenship without its burthens, they are of opinion, that a contribution at the rate of 10,000 *l.* per annum, or 4½ per cent. upon the capital invested in the purchase of the insular customs, will be a very moderate return to ask from the island."

Proceeding upon this basis, they stated their readiness to propose to Parliament—

(I.) To increase the customs duties in the island, as proposed by the Lieutenant Governor.

(II.) To charge upon the gross receipts of those duties:

1. Cost of collection, including customs pensions.

2. The charges of Civil Government, including the harbour fund of 2,300 *l.* per annum.

3. The expenses incurred by the Imperial Government for the island, and paid from Votes of Parliament (but not including military charges, except for volunteers; and naval charges, except for the coast guard).

4. A fixed contribution of 10,000 *l.* for the Exchequer.

(III.) To surrender the balance for the use of the island.

One liability, viz. security for the harbour loans at Port Erin, was under certain circumstances specifically named as chargeable on the fixed contribution of 10,000 *l.*

Such was the arrangement submitted to and accepted, without modification, by the Lieutenant Governor, and the Court of Tynwald. It was subsequently embodied in the Act 29 Vict. c. 23.

From the passages cited above, it appears to my Lords that their predecessors were of opinion,—

1. That, in substituting a fixed contribution for the profit accruing from an increasing revenue, they were bestowing a boon upon the island.

2. That, considering the benefits enjoyed by the islanders as British citizens, the contribution of 10,000 *l.* was a moderate amount to require.

3. That this fixed contribution of 10,000 *l.* was the keystone of the scheme, the only deductions to be made from it being those on account of the Port Erin security, and precautions being taken in case the sum paid into the Exchequer should fall short in one year, for the recovery of the amount deficient in subsequent years.

My Lords concur entirely in these views: they consider themselves as bound by their duty to the public to guard from encroachment the fixed contribution; in return for which an increasing surplus of revenue has been surrendered, and to insist upon the strict fulfilment of the engagement undertaken by the island of its own accord.

They wish to record their opinion that the people of this country should not be called on to contribute more than is absolutely necessary by way of subsidy to the small dependencies on our coasts, whose ancient privileges secure to them the benefit of protection at the cost of their fellow-countrymen.

My Lords were, therefore, by no means prepared for the request which they received from the Secretary of State to insert a sum in the Estimates for the ensuing year on account of a service in the Isle of Man. This request must be regarded as in the nature of a proposal to depart from an agreement sanctioned by law, and during the two first years of the new arrangement to make a considerable deduction from the stipulated sum of 10,000 *l.* Nor can they find, on reference to the correspondence as to the Act of Parliament, any stipulation which would justify them in assenting to such a breach of agreement.

It was expressly laid down that the expenses incurred by the Imperial Government for the island, and paid from Votes of Parliament, should be deducted from the gross receipts; and it appears to this Board incontestable that the moiety of the cost of the lunatic asylum is an "expense incurred by the Imperial Government for the island, and paid from Votes of Parliament." Two exceptions to the rule, however, were admitted, viz., military and naval charges, showing that this question of exceptions had been under consideration, but that my Lords did not think fit to include among them other services than those undertaken for defence.

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They can indeed find no reason for making such exception. The island authorities had stepped into the position previously held by this Board. They were to defray the expense of government, and obtain the benefit of the surplus of revenue over expenditure, and my Lords must always hold that the island undertook on its part all liabilities on account of its government which were not specially excepted at the time of the transfer.

Under these circumstances my Lords cannot accept the interpretation put by the Lieutenant Governor upon clause 3 of the Act, viz., that the words had reference only to the Vote annually taken by the Board of Works for the repairs of court houses, &c. Indeed, a reference to one paragraph in the Minute of 21st December 1865, submitting the new arrangement for the consideration of the Lieutenant Governor and the Court of Tynwald, proves that the Vote for the lunatic asylum was not lost sight of. After stating the average receipts and expenditure, including charges for court houses, &c. of the island during the six years 1847 to 1852, the Minute proceeds: "This expenditure is exclusive of that under the Vote for public buildings, 4,350 *l.*, taken in the years 1848 and 1850. Similar Votes have been taken in other years, amounting in the average to about 300 *l.* in the 30 years 1835-1865."

The average in question was thus made up:

Votes Law Courts—

	£.
1848 - - - - - - -	4,050
1850 - - - - - - -	300
1855 - - - - - - -	1,550
1856 (Lunatic Asylum) - - - -	4,000
	30)9,900(330

The next paragraph in the minute is that which proposes to charge on the gross receipts of the Customs duties "the expenses incurred by the Imperial Government for the island, and paid from Votes of Parliament."

It is clear, therefore, to my Lords, that it was the intention of this Board to charge this and all other charges of Government on the gross receipts; that a general definition having been given, it was not thought necessary to detail the items *seriatim*; and if the insular authorities held a different opinion as regards the lunatic asylum, but forgot to bring it forward, my Lords cannot hold themselves responsible for such oversight.

They are unable to find in the letters written from this Department any passage which justifies the statement of the Lieutenant Governor that the crown lands of the island were exempted from the local rate in consideration of the contribution made by the Treasury towards the erection of the asylum.

There is, however, one argument advanced by the Lieutenant Governor which appears to this Board worthy of consideration. He states, that had it not been for unforeseen delays the building would have been completed long before the Act of 1866 was passed, and the Imperial Treasury has been the gainer by those delays.

My Lords readily admit that there is great force in this argument, and, though they are not aware that they are responsible for much of that delay, they cannot deny that the action of Parliament in refusing to vote money for the asylum in 1864 did undoubtedly retard the works by at least a year. In order, therefore, that no shadow of doubt may rest upon the faith with which they fulfil their engagements, they have come to the conclusion that they will be justified in proposing to Parliament a Vote for the completion of the asylum, and they have directed 3,600*l.* to be inserted in the Estimates for that purpose.

My Lords have given directions that this correspondence be laid on the table before the Vote is proposed, in order that the House of Commons may entertain the question with a full knowledge of the views of this Board and of the reasons which have induced them to sanction this apparent departure from the agreement embodied in the Act of last Session.

Let provision be made in the Estimate accordingly.

ISLE OF MAN LUNATIC ASYLUM.

COPY of CORRESPONDENCE between the Treasury, the Home Office, and the Lieutenant Governor of the *Isle of Man*, respecting the insertion in the ESTIMATES for the current Year of a VOTE for the LUNATIC ASYLUM of that Island.

(*Mr. Hunt.*)

Ordered, by The House of Commons, *to be Printed,*
27 *June* 1867.

400.

Under 1 *oz.*

RETURN to an Order of the Honourable The House of Commons, dated 6 June 1867;—*for*,

COPY "of BYE LAWS sanctioned by the Treasury the 14th day of February 1867:"

"And, RETURN showing the Smallest Number of Separate ROOMS in any one TENEMENT for the Erection of which MONEY has been authorised to be Advanced by the PUBLIC WORKS LOAN COMMISSIONERS, under the 'LABOURING CLASSES DWELLING HOUSES ACT of 1866 (29 Vict. c. 28)'; stating also the Number of Cubic Feet in each Room of the several Classes of Tenements for which Money has been authorised to be Advanced."

COPY of BYE LAWS sanctioned by the Treasury, 14th February 1867.

SEPARATE water-closet accommodation to be provided for each tenement, or else, where water-closet accommodation is to be used in common by the occupants of two or more tenements, separate accommodation must be provided for each sex. Such accommodation may be either water-closet, earth-closet, or privy.

Each tenement to have a dust-bin, or the use of a dust-bin common to several buildings.

Each tenement to be well lighted by external windows made to open.

Each tenement to have ready access to water.

Where several tenements in one building, proper ventilation to be provided for the passages, staircases, &c.

The drains to be well constructed.

Parties to whom moneys to be advanced to enter into covenants with the Public Works Loan Commissioners:—That where there are several tenements in one building, they—

(*a*) Will cause the passages, staircases, &c., to be kept clean.
(*b*) Will cause the water-closets, &c., to be kept in good order.
(*c*) Will cause the dust-bins to be emptied at intervals of seven days.
(*d*) Will take precautions against any interruption in the supply of water.
(*e*) Will keep the windows in good order and repair, and the chimneys swept.
(*f*) Will keep the drains in proper order.
(*g*) Will allow inspection by Commissioners of Works, to see that the above covenants are observed.

Approved.
(signed) *George Ward Hunt.*

Treasury Chambers,
14 February 1867.

SMALLEST NUMBER of Separate ROOMS in any one TENEMENT for the Erection of which Money has been authorised to be Advanced by the Public Works Loan Commissioners under the "Labouring Classes Dwelling Houses Act of 1866 (29 Vict. c. 28)."

Two.

NUMBER of Cubic Feet in each ROOM of the several Classes of TENEMENTS for which Money has been authorised to be Advanced.

	One Room of Cubic Feet.	One Room of Cubic Feet.	One Room of Cubic Feet.	One Room of Cubic Feet.	One Room of Cubic Feet.
Class I. of Two rooms - -	715	1,219			
Ditto - - -	816	994			
Ditto - - -	995	1,020			
Class II. of Four rooms - -	960	960	960	960	
Class III. of Five rooms - -	372	675	1,056	1,056	1,232
Ditto - - -	446	459	459	781	1,468

JOHN MANNERS,
First Commissioner of Her Majesty's Works and Public Buildings.

Office of Works, &c.
17 June 1867.

LABOURING CLASSES DWELLING HOUSE ACT (1866).

COPY of Bye Laws sanctioned by the Treasury the 14th February 1867; and, Return showing the Smallest Number of Separate Rooms in any one Tenement for the Erection of which Money has been authorised to be Advanced by the Public Works Loan Commissioners, under the "Labouring Classes Dwelling Houses Act of 1866 (29 Vict. c. 28);" &c.

(*Mr. Hankey.*)

Ordered, by The House of Commons, *to be Printed,*
20 *June* 1867.

TABLE

OF THE NUMBER OF

MARRIAGES, BIRTHS, AND DEATHS

REGISTERED IN

ENGLAND

IN THE YEAR

1866.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1867.

[*Price 1d.*]

ENGLAND.—Marriages, Births, and Deaths registered in England,

Divisions and Registration Counties.*	Population, 1861.	Marriages.		Births.	Deaths.	Births.		Deaths.	
		Number.	Persons married.			Males.	Females.	Males.	Females.
ENGLAND & WALES -	20,066,224	187,519	375,038	753,188	500,938	384,742	368,446	256,852	244,086
DIVISIONS.									
I. LONDON - - -	2,803,989	33,568	67,136	107,992	80,129	54,956	53,036	40,978	39,151
II. SOUTH EASTERN COUNTIES	1,847,661	15,541	31,082	64,480	38,288	32,989	31,491	19,909	18,379
III. SOUTH MIDLAND COUNTIES	1,295,515	9,398	18,796	45,371	26,741	23,295	22,076	13,719	13,022
IV. EASTERN COUNTIES -	1,142,562	8,093	16,186	37,938	23,278	19,528	18,410	11,747	11,531
V. SOUTH WESTERN COUNTIES	1,835,714	13,650	27,300	58,588	37,725	30,135	28,453	19,097	18,628
VI. WEST MIDLAND COUNTIES	2,436,568	21,796	43,592	94,509	57,321	47,943	46,566	29,468	27,853
VII. NORTH MIDLAND COUNTIES	1,288,928	10,952	21,904	45,879	27,561	23,182	22,697	13,943	13,618
VIII. NORTH WESTERN COUNTIES	2,935,540	31,279	62,558	117,584	93,371	60,193	57,391	48,055	45,316
IX. YORKSHIRE - - -	2,015,541	20,790	41,580	81,820	54,885	41,631	40,189	28,292	26,593
X. NORTHERN COUNTIES -	1,151,372	11,181	22,362	50,290	30,111	25,841	24,449	15,465	14,646
XI. MONMOUTHSHIRE & WALES	1,312,834	11,271	22,542	48,737	31,528	25,049	23,688	16,179	15,349
I. LONDON.									
MIDDLESEX (*part of*) - -	2,030,814	24,609	49,218	75,565	59,144	38,427	37,138	30,126	29,018
SURREY (*part of*) - -	579,748	7,111	14,222	24,565	16,169	12,594	11,971	8,280	7,889
KENT (*part of*) - -	193,427	1,848	3,696	7,862	4,816	3,935	3,927	2,572	2,244
II. SOUTH EASTERN COUNTIES.									
1 SURREY (*Extra-Metropolitan*) -	273,264	2,241	4,482	10,161	5,812	5,214	4,947	3,097	2,715
2 KENT (*Extra-Metropolitan*) -	545,272	4,733	9,466	19,702	11,348	10,072	9,630	5,928	5,420
3 SUSSEX - - -	366,836	3,061	6,122	12,271	7,257	6,245	6,026	3,690	3,567
4 HAMPSHIRE - - -	456,654	3,972	7,944	15,608	9,622	8,005	7,603	5,015	4,607
5 BERKSHIRE - - -	205,635	1,534	3,068	6,738	4,249	3,453	3,285	2,179	2,070
III. SOUTH MIDLAND COUNTIES									
6 MIDDLESEX (*Extra-Metropolitan*) -	187,325	1,335	2,670	7,167	4,626	3,670	3,497	2,430	2,196
7 HERTFORDSHIRE - - -	177,452	1,177	2,354	5,935	3,369	3,057	2,878	1,706	1,663
8 BUCKINGHAMSHIRE - -	147,207	1,027	2,054	5,092	2,926	2,589	2,503	1,467	1,459
9 OXFORDSHIRE - - -	171,233	1,294	2,588	5,778	3,359	2,970	2,808	1,661	1,698
10 NORTHAMPTONSHIRE - -	231,079	1,772	3,544	8,375	4,672	4,319	4,056	2,489	2,183
11 HUNTINGDONSHIRE - -	59,137	402	804	1,879	1,089	957	922	543	546
12 BEDFORDSHIRE - -	140,479	1,163	2,326	5,079	3,110	2,587	2,492	1,516	1,594
13 CAMBRIDGESHIRE - -	181,603	1,228	2,456	6,066	3,590	3,146	2,920	1,907	1,683
IV. EASTERN COUNTIES.									
14 ESSEX - - -	379,705	2,516	5,032	13,650	8,095	7,046	6,604	4,178	3,917
15 SUFFOLK - - -	335,409	2,380	4,760	10,905	6,381	5,594	5,311	3,163	3,218
16 NORFOLK - - -	427,448	3,197	6,394	13,383	8,802	6,888	6,495	4,406	4,396

* Note.—The *Registration Counties* consist of groups of entire Registration Districts, which Districts are generally identical with the Poor Law Unions. is located ; hence most of the Registration Counties

in the Divisions, and in the Registration Counties, in the Year 1866.

MARRIAGES				BIRTHS				DEATHS			
Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of			
March.	June.	Sept.	Dec.	March.	June.	Sept.	Dec.	March.	June.	Sept.	Dec.
37,576	48,523	46,196	55,224	196,737	192,459	178,982	185,010	138,233	128,692	116,826	117,187
6,685	8,737	9,034	9,112	28,407	26,776	25,776	27,033	20,029	19,291	22,353	18,456
2,851	3,829	3,896	4,965	16,982	15,749	15,197	16,552	10,585	9,733	9,025	8,945
1,509	2,227	2,292	3,370	11,880	11,536	10,722	11,233	7,473	6,964	5,904	6,400
1,489	1,729	1,750	3,125	10,109	9,857	8,702	9,270	6,614	6,235	5,282	5,147
2,992	3,677	3,267	3,714	15,987	14,973	13,481	14,147	10,891	10,096	8,081	8,657
4,221	5,925	5,280	6,370	24,777	24,380	22,134	23,218	16,995	15,694	11,517	13,115
1,975	3,174	2,493	3,310	11,894	11,872	10,847	11,266	7,850	7,477	5,894	6,340
6,545	8,005	8,073	8,656	30,429	30,412	28,366	28,377	26,539	22,883	22,069	21,880
4,535	5,140	5,001	6,114	20,862	20,864	19,658	20,436	15,584	14,732	11,925	12,644
2,513	3,137	2,527	3,004	12,908	13,147	12,164	12,071	7,542	7,506	6,985	8,078
2,261	2,943	2,583	3,484	12,502	12,893	11,935	11,407	8,131	8,081	7,791	7,525
4,960	6,341	6,633	6,675	20,034	18,743	18,107	18,681	14,516	14,182	17,306	13,140
1,372	1,934	1,880	1,925	6,351	6,035	5,840	6,339	4,303	3,928	3,844	4,094
353	462	521	512	2,022	1,998	1,829	2,013	1,210	1,181	1,203	1,222
374	552	614	701	2,630	2,401	2,449	2,681	1,659	1,496	1,286	1,371
892	1,130	1,133	1,578	5,106	4,871	4,666	5,059	3,013	2,887	2,628	2,820
531	827	795	908	3,253	2,912	2,849	3,257	1,986	1,828	1,712	1,731
815	927	992	1,238	4,159	3,848	3,672	3,929	2,667	2,346	2,530	2,079
239	393	362	540	1,834	1,717	1,561	1,626	1,260	1,176	869	944
219	338	390	388	1,860	1,746	1,724	1,837	1,233	1,136	1,137	1,120
202	294	281	400	1,598	1,498	1,375	1,464	953	832	746	838
152	246	258	371	1,286	1,321	1,219	1,266	837	715	654	720
203	311	336	444	1,461	1,508	1,348	1,461	934	942	683	800
289	432	378	673	2,191	2,174	2,003	2,007	1,289	1,267	975	1,141
59	83	113	147	527	460	439	453	299	307	233	250
176	256	286	445	1,390	1,248	1,190	1,251	857	816	716	721
209	267	250	502	1,567	1,581	1,424	1,494	1,071	949	760	810
430	567	587	932	3,616	3,571	3,116	3,347	2,151	2,045	2,125	1,774
424	545	495	916	2,951	2,834	2,486	2,634	1,879	1,778	1,326	1,398
635	617	668	1,277	3,542	3,452	3,100	3,289	2,584	2,412	1,831	1,975

Whenever a District or Union extends into more than one County, it is assigned wholly to that County in which the greater portion of the Population differ, more or less, from the Counties Proper.

MARRIAGES, BIRTHS, and DEATHS registered in ENGLAND, in the Divisions,

REGISTRATION COUNTIES —*Continued.*	POPULATION, 1861.	MARRIAGES.		BIRTHS.	DEATHS.	BIRTHS.		DEATHS.	
		Number.	Persons married.			Males.	Females.	Males.	Females.
V. SOUTH WESTERN COUNTIES.									
17 WILTSHIRE	236,027	1,648	3,296	7,487	4,419	3,822	3,665	2,264	2,155
18 DORSETSHIRE	182,193	1,324	2,648	5,781	3,466	2,992	2,789	1,809	1,657
19 DEVONSHIRE	589,278	4,935	9,870	18,756	13,411	9,596	9,160	6,740	6,671
20 CORNWALL	364,848	2,500	5,000	12,267	7,061	6,402	5,865	3,532	3,529
21 SOMERSETSHIRE	463,368	3,243	6,486	14,297	9,368	7,323	6,974	4,752	4,616
VI. WEST MIDLAND COUNTIES.									
22 GLOUCESTERSHIRE	443,535	4,240	8,480	14,740	9,638	7,516	7,224	4,863	4,775
23 HEREFORDSHIRE	106,796	721	1,442	3,225	1,959	1,653	1,572	1,013	946
24 SHROPSHIRE	260,409	1,829	3,658	8,780	5,298	4,454	4,326	2,691	2,607
25 STAFFORDSHIRE	769,541	7,463	14,926	34,466	20,653	17,402	17,064	10,734	9,919
26 WORCESTERSHIRE	294,953	2,487	4,974	11,203	6,290	5,700	5,503	3,294	2,996
27 WARWICKSHIRE	561,334	5,056	10,112	22,095	13,483	11,218	10,877	6,873	6,610
VII. NORTH MIDLAND COUNTIES.									
28 LEICESTERSHIRE	243,648	2,256	4,512	9,329	5,373	4,719	4,610	2,683	2,690
29 RUTLANDSHIRE	23,479	148	296	711	418	353	358	209	209
30 LINCOLNSHIRE	404,143	3,107	6,214	13,445	7,722	6,784	6,661	3,994	3,728
31 NOTTINGHAMSHIRE	323,784	2,806	5,612	11,201	7,280	5,655	5,546	3,636	3,644
32 DERBYSHIRE	293,874	2,635	5,270	11,193	6,768	5,671	5,522	3,421	3,347
VIII. NORTH WESTERN COUNTIES.									
33 CHESHIRE	470,174	4,075	8,150	17,612	12,485	8,999	8,613	6,414	6,071
34 LANCASHIRE	2,465,366	27,204	54,408	99,972	80,886	51,194	48,778	41,641	39,245
IX. YORKSHIRE.									
35 WEST RIDING	1,530,007	16,218	32,436	64,284	43,986	32,778	31,506	22,710	21,276
36 EAST RIDING (*with York*)	274,425	2,837	5,674	9,952	6,333	5,024	4,928	3,247	3,086
37 NORTH RIDING	211,109	1,735	3,470	7,584	4,566	3,829	3,755	2,335	2,231
X. NORTHERN COUNTIES.									
38 DURHAM	542,125	5,556	11,112	27,512	15,024	14,197	13,315	7,785	7,239
39 NORTHUMBERLAND	343,025	3,610	7,220	13,799	9,376	7,067	6,732	4,799	4,577
40 CUMBERLAND	205,276	1,607	3,214	7,124	4,620	3,624	3,500	2,358	2,262
41 WESTMORLAND	60,946	408	816	1,855	1,091	953	902	523	568
XI. MONMOUTHSHIRE & WALES.									
42 MONMOUTHSHIRE	196,977	1,846	3,692	7,736	4,596	3,966	3,770	2,452	2,144
43 SOUTH WALES	699,722	6,321	12,642	27,063	16,945	13,868	13,195	8,651	8,294
44 NORTH WALES	416,135	3,104	6,208	13,938	9,987	7,215	6,723	5,076	4,911

NOTE.—The revision of the Numbers for the Year 1866 has not yet been completed at the General Register Office; the figures in this Return
Parliament in the Twenty-ninth Annual

General Register Office, Somerset House,
20th April 1867.

and in the Registration Counties, in the Year 1866—*continued.*

MARRIAGES				BIRTHS				DEATHS			
Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of			
March.	June.	Sept.	Dec.	March.	June.	Sept.	Dec.	March.	June.	Sept.	Dec.
288	456	378	526	1,985	1,881	1,779	1,842	1,235	1,177	941	1,066
291	345	304	384	1,551	1,509	1,341	1,380	982	956	772	756
1,175	1,289	1,195	1,276	5,169	4,641	4,232	4,714	3,864	3,550	2,935	3,062
577	633	611	679	3,465	3,327	2,828	2,647	2,133	1,920	1,486	1,522
661	954	779	849	3,817	3,615	3,301	3,564	2,677	2,493	1,947	2,251
753	1,123	1,039	1,325	3,887	3,744	3,419	3,690	2,903	2,642	1,986	2,107
141	233	169	178	823	851	762	789	572	571	400	416
394	532	442	461	2,265	2,373	2,107	2,035	1,501	1,471	1,072	1,254
1,542	1,975	1,789	2,157	9,079	8,926	8,093	8,368	6,006	5,671	4,128	4,848
428	693	611	755	2,872	2,856	2,592	2,883	1,868	1,713	1,266	1,443
963	1,369	1,230	1,494	5,851	5,630	5,161	5,453	4,145	3,626	2,665	3,047
340	568	525	823	2,383	2,467	2,171	2,308	1,441	1,429	1,207	1,296
27	35	36	50	188	204	145	174	118	114	83	103
564	1,081	626	836	3,487	3,413	3,219	3,326	2,082	2,081	1,681	1,878
506	753	671	876	2,942	2,863	2,643	2,753	2,237	1,937	1,510	1,596
538	737	635	725	2,894	2,925	2,669	2,705	1,972	1,916	1,413	1,467
899	997	989	1,190	4,627	4,619	4,259	4,107	3,683	3,151	2,632	3,019
5,646	7,008	7,084	7,466	25,802	25,793	24,107	24,270	22,856	19,732	19,437	18,861
3,542	4,000	4,017	4,659	16,371	16,372	15,430	16,111	12,624	11,853	9,469	10,040
630	679	632	896	2,528	2,589	2,379	2,456	1,730	1,675	1,406	1,522
363	461	352	559	1,963	1,903	1,849	1,869	1,230	1,204	1,050	1,082
1,258	1,562	1,247	1,489	7,021	7,131	6,717	6,643	3,813	3,674	3,574	3,963
884	1,011	802	913	3,506	3,685	3,342	3,266	2,196	2,194	2,203	2,783
281	443	398	485	1,926	1,843	1,672	1,683	1,243	1,300	972	1,105
90	121	80	117	455	488	433	479	290	338	236	227
412	458	442	534	1,964	2,024	1,968	1,780	1,302	1,149	966	1,179
1,248	1,562	1,497	2,014	6,944	7,029	6,625	6,465	4,306	4,144	4,658	3,837
601	923	644	936	3,594	3,840	3,342	3,162	2,523	2,788	2,167	2,509

will therefore be found to differ slightly, in some instances, from the correct Numbers in the detailed Abstracts to be hereafter presented to Report of the Registrar General.

GEORGE GRAHAM,
Registrar General.

LONDON:
Printed by George E. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

NEW FOREST.

RETURN to an Order of the Honourable The House of Commons, dated 14 June 1867;—*for*,

RETURNS ordered, "of all ENCLOSURES made in the NEW FOREST under the Acts 9 & 10 Will. 3, c. 36, and 48 Geo. 3, c. 72, which have been subsequently thrown open; giving dates of Enclosure and Disenclosure:"

"Of the Names and Quantities of all ENCLOSURES made, or being made, under the Act 14 & 15 Vict. c. 76, with the Estimated Cost of such Enclosures when completed, in Gross and per Acre, of (a) Fencing, (b) Draining, (c) Planting, and (d) other Expenses, separately, and the Sorts, the Estimated Value, and Number of Plants used:"

"Of the Quantity of OAK TIMBER sold since the 1st day of January 1866, with the Date of Fall, specifying separately Navy, or other Timber, whether Sold by Auction or private Contract; the price per Foot under each Head, and the estimated Quantity remaining unsold:"

"Of the Quantity and price per Foot of OAK TIMBER, if any, exclusive of Flitterns and Poles sold since 1850, from any Enclosures made under the Act 48 Geo. 3, c. 72; and of the Quantity and Price of Flitterns, Poles, Faggots, and Bark sold from such Enclosures since 1850:"

"Of the Quantity and price per Foot of BEECH TIMBER sold during the last Five Years:"

"Of a MAP or PLAN of the FOREST, corresponding with and to the Scale of that appended to the Report of the Committees of 1848–9, showing the Enclosures thrown open, with the Date of such Disenclosure; the existing Enclosures, with the Quantities and Dates of Enclosure, and estimated Date when they may be Disenclosed; and any proposed or provisionally approved Enclosures up to this present Date, the same if not set out to be approximately indicated on the Map:"

"The first five particulars, as far as may be, in a Tabular Form:"

"And, COPY of INSTRUCTIONS by the Lords of the Treasury, dated the 5th day of August 1854, to Messrs. *Mathews*, *Murton*, and *Menzies*, to Report on the state of the ROYAL FORESTS, and of their REPORT dated the 7th day of December 1854."

(*Mr. Bonham-Carter.*)

Ordered, by the House of Commons, *to be Printed*,
16 *July* 1867.

RETURN of all ENCLOSURES made in the NEW FOREST under the Acts 9 & 10 Will. 3, c. 36, and 48 Geo. 3, c. 72, which have been subsequently thrown open, giving Dates of Enclosure and Disenclosure.

Names of Enclosures.	Quantity. A.	R.	P.	Date of Enclosure.	Date of Disenclosure.
Puckpitts	80	0	0	1700	Not known.
South Bentley	56	0	0	„	„
North Bentley	90	0	0	„	„
Priors Acre	140	0	0	„	„
Burley, Old	124	0	0	„	„
*Rhinefield, Old	176	0	0	„	„
*Woodfidley	299	0	0	„	„
Salisbury Trench	57	0	0	„	„
*Etherise	102	2	0	1756	„
*Black Bush	33	3	8	„	„
*Pignal, Old	94	0	22	„	„
Furzey Lawn	78	2	38	1775	1829
Ocknell	248	1	1	„	1815
Pitts	121	1	18	„	„
*Sloden	249	2	31	„	„
Ravens Nest	74	2	27	„	1829
Coppice of Linwood	289	0	27	„	„
Long Beech Hill	145	3	0	„	1815
Hurst Hill	180	3	27	1808	1851
Wootton	410	1	1	„	1829 and 1851
Holly Hatch	149	2	3	„	1851
New Coppice	281	1	9	„	„
Broomy	225	1	24	„	„
**Wilverley	500	0	0	1775 and 1809	1846
**Rhinefield Sandys	224	1	29	„	1843
**Aldridge Hill	127	2	27	„	„
Stockley	131	0	14	1809	1851
Godshill Wood	384	1	39	1810	„
Burley, New	330	2	37	„	„
Lodge Hill	138	0	14	„	„
Church Place	177	1	24	„	„
Norley Wood	163	0	20	„	1829 and 1843
Holmsley	345	0	9	1811	1851
Anderwood	168	3	30	„	„
Roe	342	0	11	„	„
Setthorns	318	2	9	„	„
Amberwood	213	3	20	1815	„
Holm Hill	285	0	20	„	„
Kings Coppice	158	3	38	„	„

Note.—The enclosures marked thus * have been again enclosed or partly enclosed.

The enclosures marked thus ** were enclosed in 1775, but the plants having failed they were not planted with their present crop till 1809.

NAMES and QUANTITIES of all ENCLOSURES made or being made under the Act 14 & 15 Vict., c. 76, with the Estimated Cost of such Enclosures, when Completed, in Gross and per Acre, of (*a*) Fencing, (*b*) Draining, (*c*) Planting, and (*d*) other Expenses, separately; and the Sorts, the Estimated Value, and Number of Plants used.

NAMES OF ENCLOSURES.	Quantity.	Gross Cost of Enclosures.	COST PER ACRE OF				Number of Oak Plants used.	Estimated Value of Oak Plants.	Number of Fir Plants used.	Estimated Value of Fir Plants.
			Fencing.	Draining.	Planting.	Other Expenses.				
	A. R. P.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.		£. s. d.		£. s. d.
Milkham - - -	393 2 13									
Slufter - - -	371 – 2									
Sloden - - -	306 1 19									
Vinney Ridge - -	359 1 4									
Perry Wood - -	794 – 10									
Knight Wood - -	563 1 –									
Deer Leap - -	302 1 2									
	3,089 3 10	17,800 1 6	– 15 9	1 5 3	1 10 2	– 2 4	2,060,000	3,615 10 –	2,761,050	2,811 19 –

QUANTITY of OAK TIMBER sold since the 1st day of January 1866, with the Date of Fall, specifying separately Navy or other Timber, whether sold by Auction or Private Contract, the price per Foot under each Head, and the Estimated Quantity remaining unsold.

Date of Fall.	Quantity of Oak Timber sold since 1st day of January 1866.					Price per Foot.	Estimated Quantity remaining unsold.	REMARKS.
	Sold by Auction.		Sold by Private Contract.		TOTAL.			
	Navy Timber.	Other Timber.	Navy Timber.	Other Timber.				
	Feet.	*Feet.*	*Feet.*	*Feet.*	*Feet.*	*s. d.*	*Feet.*	
1866 - -	nil	36,833	nil	–	36,833	1 4½	15,390	This measurement included all boughs and tops that would girt six inches.
1866 - -	– –	– – –	– –	676	676	1 1	– – –	(Windfall trees.)
	nil	36,833	nil	676	37,509	Various	15,390	

QUANTITY and Price per Foot of OAK TIMBER, if any, exclusive of Flitterns and Poles, sold since 1850 from any Enclosures made under the Act 48 Geo. 3, c. 72, and of the Quantity and Price of Flitterns, Poles, Fagots, and Bark sold from such Enclosures since 1850.

Description of Produce.	Quantity.	Price.	REMARKS.
		£. s. d.	
Flitterns and poles - - - - -	838,314	15,851 8 6	The oak timber sold from these enclosures was young and sappy, of small dimensions, and was included with the flitterns and poles.
Fagots - - - - - - -	2,650,292	9,299 4 11	
	Tons. cwt. grs.		
Bark - - - - - - -	5,973 1 0	31,612 17 10	
	£.	56,763 11 3	

QUANTITY and Price per Foot of BEECH Timber sold during the last Five Years.

Quantity.	Price per Foot.	REMARKS.
Feet.	*d.*	
263,608	3¾	- - - - The measurement included all boughs and tops that would girt six inches.

Office of Woods, &c.,
13 July 1867.

James K. Howard,
Commissioner of Her Majesty's Woods, Forests, and Land Revenues.

COPY of INSTRUCTIONS by the Lords of the Treasury, dated 5th August 1854, to Messrs. *Mathews*, *Murton*, and *Menzies*, to Report on the State of the ROYAL FORESTS.

Gentlemen, Treasury Chambers, 5 August 1854.

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, that when you shall have completed your survey of Dean and New Forests, and reported your opinion on the questions referred to you, it is the desire of my Lords that you should conclude your proceedings by a general Report, containing a summary of the conclusions at which you have arrived regarding the condition, management, capabilities, and future prospects of all the Royal Forests which you have visited.

I have to state that it is desirable, that in framing such a Report you should avoid reference to questions of controversy on the details of management which you will have already treated of in your separate reports; and my Lords wish you to bring out clearly and fully your views on the following points, viz.:—

1st. The state of the plantations generally, and their present value.

2ndly. The ability, or otherwise, of their present management.

3rdly. The prospect of their fulfilling the object for which they were planted, viz., that of supplying good navy timber.

In treating of the first of these questions, it will be necessary that you should advert to the principle on which tabular statements of the contents and present value of the Crown plantations have been framed, and that you should show how far the conclusions which have been arrived at are correct, or in what other manner the real value of the plantations may be fairly ascertained.

In connection with the second question regarding the management, the operation of thinning has an important bearing with reference to the future development of the plantations; and my Lords wish you to treat this question, with regard to the main object of promoting the growth of the trees, so as to obtain ultimately a large proportion of accepted navy timber, and to show to what extent a sound course of treatment for this object may be consistent with the subordinate one of realising immediate income. The mode of selecting timber for the supply of the navy may properly also be treated in connection with this subject.

In reference to the third point, the suitableness of the soils of the various forests for the growth of oak will necessarily be brought under review. My Lords wish to obtain your opinion fully on this subject, and especially in regard to the extensive district of Dean Forest.

My Lords have, in the foregoing instructions, directed your attention to the several points which appear to them to be of most importance, but you are requested to add any observations either of a general character or on particular points, which may appear to you calculated to elucidate the subject.

I remain, &c.

Messrs. Mathews, Murton, and Menzies. (signed) *James Wilson.*

REPORT from Messrs. *Mathews*, *Murton*, and *Menzies*, to the LORDS COMMISSIONERS of HER MAJESTY'S TREASURY.

The Right Honourable the Lords Commissioners of Her Majesty's Treasury.

My Lords, London, 7 December 1854.

WE have had the honour of receiving Mr. Wilson's letter of the 5th of August, informing us of your Lordships' desire that we should conclude our proceedings by a general report containing a summary of the conclusions at which we have arrived regarding the condition, management, capabilities, and future prospects of all the Royal Forests which we have visited; that in framing such Report we should bring out clearly and fully our views on the following points, viz.:—

1st. The state of the plantations generally, and their present value.

2nd. The ability or otherwise of their present management.

3rd. The prospect of their fulfilling the object for which they were planted, viz., that of supplying good navy timber.

Before commencing this Report it may perhaps be as well to state that until we were honoured with your Lordships' commands, we were entire strangers to each other. We reside and practise our professional business in different parts of the country; one in the Midland counties, another in the south of England, and the third on the Royal property at Windsor, in conection with the Land Revenue Department, but in no way associated with that branch of the Office of Woods, &c., under which the management of the Royal Forests is placed. We have under our collective management woodlands, chiefly oak, exceeding

ing 20,000 acres; and two of us, being extensively employed as general valuers, possess some knowledge of all the oak-growing districts of England and Scotland, advantages which enable us to judge of the management of the Royal forests, and to compare it with that of private forest property in various parts of the kingdom.

The Royal forests upon which we have reported are the following, viz.:

Alice Holt, containing about	2,000	acres.
Woolmer „	6,000	„
Bere „	1,500	„
Parkhurst „	1,150	„
The New Forest „	66,000	„
Dean Forest „	20,000	„
High Meadow Wood „	2,500	„
Delamere „	4,000	„
TOTAL	103,150	„

The term "forest," as applied to this property, is calculated to lead persons who are unacquainted with it to an erroneous conception of its character.

The above extensive area may be classed as under:—

Uninclosed worthless common land, of such soil and subsoil as are incapable of sustaining and remunerative vegetation	55,000	acres.
Land ineligible for the growth of oak	3,000	„
Uninclosed land occupied with immense quantities of beech of little value, with some oak, and properly designated "open forest"	15,000	„
Oak plantations, containing trees of from 40 to five years, and of an average age of somewhere between 20 and 25 years. A small quantity of old timber is interspersed through these plantations	30,000	„

Owing to the extensive common rights which prevail throughout nearly the whole of this great area, the unproductive quality of the soil of about half, and the inferior character of a portion of the crop, the beneficial interest of the Crown in these Royal forests may be considered as about represented by the last-mentioned 30,000 acres of young plantations. They were originally planted with extreme care, their situations judiciously chosen, the land well prepared, and the plants properly protected with nurses. Viewing these plantations as a whole, we feel quite justified in representing to your Lordships that not only is their state such as to merit approval, but, having reference to their regularity, growth, and prospective ultimate development, they are not surpassed by any forest property in the kingdom.

With reference to the present value of these plantations, our attention has been directed to an estimate, the result of which is set forth in a tabular statement in Mr. Brown's Report on the High Meadow Woods. The crop there referred to, is stated by Mr. Brown as 27 years old, and is valued by him at 12 *l.* and 15 *l.* an acre; his valuation being based on the hypothesis of the wood now standing being immediately cut and disposed of. At 15 *l.* an acre, the value of the 30,000 acres would be only 450,000 *l.*, but such a valuation can only mislead any person seeking for information on the subject. The first cost could not have been less than 10 *l.* or 11 *l.* an acre; and if at the end of 27 years the value of the crop did not exceed 15 *l.*, planting would be indeed a waste of the public money. We do not consider an estimation of the sum likely to be obtained by realising an unripe crop to be a proper method of arriving at its present value. There are now from 100 to 2,000 trees per acre on the young plantations, of these about 60 are destined for maturity; the rest are intended to be taken out periodically as they cease to be wanted as nurses, and will be sold to pay rent and to defray the expenses of original planting and management. The 60 permanent trees per acre, therefore, really represent the worth of the plantations, and their present value depends upon the ultimate size and quality of these trees. At 100 years old, they will probably average 50 cubic feet each, which, at 4 *s.* per cubic foot, gives 10 *l.* a tree, being 600 *l.* an acre, and 18 millions of money as the value of the crop at that age. Assuming the average age of the young plantations to be 22 years, the 18 millions will be due at the end of 78 years, and would be obtained by the present investment of 1,800,000 *l.* at three per cent., as high a rate of interest as can safely be calculated upon for so large a sum of money for that long period: 1,800,000 *l.* at 22 years old instead of 450,000 *l.* at 27 years old, is therefore the present value of these plantations; a profitable and most advantageous investment of public money, though for the first period of their growth they appear to make but small return upon the original outlay. The quality of soil we think will produce the quantity above stated; and having regard to the ability and care bestowed upon them, we consider 4 *s.* a foot is not too high a price to look forward to, for it must be borne in mind, that whereas not more than 15 per cent. of accepted Navy timber is obtained from trees raised without care or system, the present improved management will probably produce as high a per-centage as 75.

In proof of the skill and ability of the present local management, we need only direct the attention of your Lordships to the excellent state of the fences, roads, and buildings, the efficient drainage, and the judicious thinning which characterise nearly all the planta-

tions. On the subject of thinning, we have already said much; but as we consider it the most important of all forest operations, we cannot speak of it too emphatically. Upon judicious thinning depends not only the quantity of the ultimate crop, but the quality also, which may be influenced by good or bad management to the extent of 50 per cent. A large portion of the woods in this country are ruined from a system of thinning, with reference to annual profit instead of ultimate crop. About 3,000 trees are usually placed upon an acre of ground, and of this number 2,940 are planted for the purpose of bringing to ultimate perfection the remaining 60 trees. It must be obvious, therefore, that even for one moment to lose sight of this fact, and to remove any of these trees for temporary profit, is to play the game of the boy and the goose and its golden eggs. Many persons are ignorant of the main object for which the Royal plantations were made, and expect them to be managed only with reference to annual income.

The system under which the large timber is now supplied to the dockyards from the New Forest is open to very serious objections, as it is at variance with all the principles which regulate commercial transactions between one department and another. A certain quantity of timber is required for the Navy; the entire forest is searched for the best trees, which are taken down without any reference to what is around and about them, and broken up into "thick stuff" or "plank" by the forest servants (whose business is, or ought to be, to grow trees, and not to be converters of timber), and accepted or rejected at the caprice of the Navy purveyor, it being notorious that one purveyor will reject what another will accept. The rejected timber is then sold to the general merchant at such price as an article with a discarded brand upon it may be expected to realise. This system is vicious, too, inasmuch as it inflicts a greater amount of damage upon the forests than is compensated by the advantages gained by the Navy. The Navy Department should not be permitted to require more than the forests can supply consistently with a due consideration of their permanent welfare. All trees should be sold standing; and whenever the deputy surveyor has selected any given area for clearance, the purveyor for the Navy should have the privilege of putting his mark upon any trees he chooses to select, and those so marked he should take to and remove within a given time; the deputy surveyor would then have to deal with the general merchant for the remainder, and the space so cleared would come regularly into course for re-planting.

In reference to the third point, we have already stated, in our special reports, that with small exceptions the whole of these plantations are upon soil and subsoil well adapted for the growth of oak. The large district of Dean Forest and High Meadow Woods, which comprise much more than one-half of the entire quantity, is land greatly superior to that usually appropriated to raising timber, most of it being worth 25 *s.* an acre for agricultural purposes. The entire quantity is good, and by a perseverance in the principles of management now adopted, we believe that no disappointment can ultimately ensue, but that the object with which these plantations have been made, viz., that of supplying good Navy timber, will be abundantly fulfilled.

The rapid increase of population in this country, and the consequent increasing demand for agricultural land, is effecting a material change in the amount of timber in the country, by the conversion of woodland into arable. Although we cannot but be aware to how great an extent iron is becoming a substitute for oak timber, we are nevertheless impressed with a belief that at the end of another century the Navy will be mainly, if not altogether, dependent upon these forests for its supply of timber.

A great mistake has been committed in taking so much large timber from the forests within the last few years, during a period when the price has been unusually low, and it could have been purchased from other sources with greater advantage to the country.

The plea has been that much timber, having arrived at maturity, was deteriorating in quality. This is no less a mistake. A tree which has flourished from two to three centuries and arrived at full maturity, will suffer no material deterioration for another 40 or 50 years.

We cannot conclude this short Report without saying a few words on the importance we attach to securing the services of intelligent and thoroughly practised and experienced gentlemen to discharge the very onerous duties of deputy surveyors. Oak trees, even to the age of 200 years, require continuous careful attention; and so extremely sensible are they to external impressions, that any rash experiment may involve an amount of injury which no length of time can remedy, and by which the ultimate objects of the Crown may be entirely frustrated.

We have, &c.
(signed) *J. Mathews.*
Wm. Murton.
Wm. Menzies.

Sir Edward Hulse's Manor
Sir E. Hulse's Manor
River Avon
Lady Betty Archer's Manor
The Wardens of Winchester college
To Salisbury
Lord Ilchester's Manor
Godshill Enclosure 1810 1851
Wood Green
ASHLEY
Mr Bruin's Purlieu
Godshill
Coventry Bulkeley Esquire
Keepers Lodge
Pitts Enclosure 1815 1775
WALK
Islands Thorns Enclosure 1892
EYEWORTH WALK
Ambrewood 1815 1851
Sloden Enclosure 1864
Sloden 1775 Enclosure 1904 1815
Fritham
Rev.d Mr H. Place
Gray's Manor Corely Hill
1846 1886 Easley Enclosure 30.1.14
Ogdens
Purlieu
1809 1851 Broomy Enclosure
Keepers Lodge & Rails
1851 Holly Hatch Enclosure 1808
BROOMY
Gray's Manor
Roden's Bottom
Applestade 1829 1869
393.2.13 Milkham 1861 1901
Roe Wood Enclosure 1811 1851
Roe Enclosure
WALK
H. Compton's Manor
14.0.32 1886 Linford Enclosure 1846
1846 Linford 82.2.6 1886
From Ringwood
Mr Croy's Land
Lord Arundel's Land
Bradley 46.0.34 1829 1869
1902 1862 Sluften Enclosure
Lucas Castle Enclosure
MINSTEAD
NOT KNOWN Puckpits 1700
BOLDERWOOD
Woolsmoor Meads
Highland Water Enclos.
Holm Hill 1815 1851
Bolderwood Lodge
Bolderwood Grounds
Aores Down Enclosure
MANOR
1869 Baddy 42.0.12 1829
Picked Post
From Ringwood
Toll Gate
Ringwood Manor
1853 1893 Oakley Enclosure
11.1.8 Beech Beds 1869 1829
WALK
84.1.25 Woosons Hill 1829 1869
163.3.20 Holidays Hill Enclosure 1811 Boarders Hill 1869
Allum Green
BURLEY
Crown Manor
Eastern Manor
823.2.2 1853 Oakley Enclosure 1893
Burley Outer Rails
Burley Lodge
Anderwood Enclosure 1811 1851
563.1.6 Knight Wood Enclosure 1887 1907
1899 1859 Dames Slough Enclosure
358.1.20
New Burley Enclosure 1810 1851
WALK
1899 Piney Ridge Enclosure 1859
NOT KNOWN Rinefield 1700 Enclosure
1700
1899 Pound Hill Enclosure 1859
235.0.2
Burley Enclosure NOT KNOWN
1843 Rinefield Sandys Enclosure 1775 1809
Fidlers Thorns 1829 1869
Queen Meadow
Pond
Ferney Knap 1843 1883
Rinefield Lodge
Chumber 1843 1883
MANOR
1843 Alderidge Hill Enclosure 1775 1809
New Park
Beech Knap
New Park 1829
Added 1869
Added 1848 Buckford Enclosure 1883 37.3.36
Brookley
Tything
Brookley Tything
Finchesly Farm
Brockenhurst
MANOR OF BROCKENHURST
RIDGE
WALK
SOUTHAMPTON AND DORCHESTER RAILWAY
From Sandford
Holmsley Lodge
Avon Manor
Winkton Manor
Holmsley Enclosure 1811 1851
Wilverly 1846 Enclosure 1775 1809
Wilverly Post
Wilverly Lodge
HOLMSLEY
RINEFIELD
WHITLEY
Whitley Ridge Lodge
Wood 1829 1863
Part of Perry Wood
Wilverly 1829 & 1851
Wootton Copice Enclosure 1808
Wootton Enclosures
176.2.0 1892 Broadley Enclos.
Set Thorns Enclosure 1811 1851
WALK
From Christchurch
East Close
Osmonly Manor
Bashley Common
Warren's Herdle Common
Parish
Bolder Parish
Durns Town
Bolder
Church
Batramsley
Enclosures
Hill Street
Turkingwell Coppice
Vicars Hill
From Lymington
From Walhampton
Bramshaw
Bramshaw Enclosure 1829 1869
The Manor of Landford
Round Oak
Keepers Lodge
Mr Hubbard's Bramshaw or Hill Land
1829 Ravens Nest Enclosure 1775
1775 Coppice of Linwood 1829
NOT KNOWN 1700
Brook
1700 Priors Acre Kings Garn Gutter
Geo Paulett Esq.
Canterton
Mrs Hibbert
Mr Halliday
Mr Lovell
To Romsey
To South
Rufus Stone
1775 Long Beach Enclosure 1815
MALWOOD WALK
Shave Green Enclosure 1860 246.0.15
Gilbert, Esq.
Keepers Lodge 1900
Stony Cross
Loudon
Minstead
Foot Ball Green
159.3.15 Brockis Hill Enclosure 1860 1900
Dogben Gutter
1775 Furzy Lawn Enclosure 1829
One Mile
Irons Hill Lodge
IRON
Folds Gate 1829 1869
Race Ground
Northerwood Enclos. 1811
16.2.37
LYNDHURST
HILL
Cuffnalls
Cox Leaze
Pond Head Farm Enclosure
Park Ground Enclosure
Brick Kiln Enclosure
Hurst Hill or Goldsmiths Hills Enclosure 1808 1851
1853 Park Hill Enclosure 1893 693.3.38
Rannor 1815 1869
107.0.2 Added 1829
Part of Perry Wood
1756 Signal Enclosure NOT KNOWN
Signal Hill 1846 1886 Enclosure
Whitley Ridge Lodge
New Enclosure 1808
Wood 1829 1863
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General Forest ..... Left White.

A MAP

OF THE

NEW FOREST,

IN THE

COUNTY OF SOUTHAMPTON,

SHEWING THE PORTIONS ENCLOSED FROM TIME TO TIME

FOR THE GROWTH OF NAVY TIMBER,

Reduced from the Map made on actual Survey,

BY MESSRS. RICHARDSON, KING, & ABRAHAM & WILLIAM DRIVER. 1789.

AND CORRECTED BY THOMAS COUCHMAN.

1849.

And Shewing the Enclosures made and thrown open under the Acts 9 & 10, Wm. 3. Cap. 36. — 48, Geo. 3. Cap 72, and 14 & 15, Vic. Cap.76 with the dates of disenclosure, the Existing Enclosure with the quan-tities and dates of Enclosure and Estimated date when they may be disenclosed and any proposed or provisionally approved Enclo-sures up to this date,

13TH JULY, 1867.

NEW FOREST.

RETURNS of all ENCLOSURES made in the NEW FOREST under the Acts 9 & 10 Will. 3, c. 36, and 48 Geo. 3, c. 72, which have been subsequently thrown Open, giving Dates of Enclosure and Disenclosure; of the Names and Quantities of all ENCLOSURES made or being made under the Act 14 & 15 Vict. c. 76, with the Estimated Cost of such Enclosures when Completed; &c.

(*Mr. Bonham-Carter.*)

Ordered, by The House of Commons, *to be Printed,*
16 *July* 1867.

[*Price* 1*s.*]

430.

Under 4 *oz.*

PUBLIC HEALTH AND LOCAL GOVERNMENT ACTS.

RETURN to an Address of the Honourable The House of Commons, dated 3 August 1866;—*for*,

"RETURNS, in a Tabular Form, of DISTRICTS where 'The PUBLIC HEALTH ACT, 1848,' or 'The LOCAL GOVERNMENT ACT, 1858,' or both of them, are in Force; of the Date when such Act or Acts were adopted; and (as far as may be practicable) of the POPULATION according to CENSUS of 1861, and of the RATEABLE VALUE in each Case:"

"And, of the DISTRICTS or PLACES where any PUBLIC ACT relating to such District or Place, or any LOCAL and PERSONAL, or PRIVATE ACT is in Force; the Date of the Passing or Adoption of such Act, as the case may be; the POPULATION and the RATEABLE VALUE in each Case."

(*Mr. Powell.*)

Ordered, by The House of Commons, *to be Printed*,
22 *February* 1867.

RETURN of DISTRICTS where "The PUBLIC HEALTH ACT, 1848," or "The LOCAL GOVERNMENT ACT, 1858," or both of them, are in Force; of the Date when such Act or Acts were adopted; and, as far as practicable, the POPULATION according to the Census of 1861, and the RATEABLE VALUE in each case:—And, of the DISTRICTS or PLACES where any PUBLIC ACT relating to such District or Place, or any LOCAL and PERSONAL, or PRIVATE ACT is in Force; the Date of the Passing or Adoption of such Act, as the case may be; and the POPULATION and RATEABLE VALUE in each Case.

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a This Letter prefixed to the name of the place shows that the Public Health Act was applied by Order in Council.
b This Letter shows that the Act was applied by Provisional Order, confirmed by Act of Parliament.

c This Letter is prefixed to the name of places where Local Acts have been obtained which incorporate parts at least of the Public Health Act.
d This Letter is prefixed to places where "The Local Government Act, 1858," has been wholly or partially adopted.

P. S.—In places under the Local Government Act, the "Date of Adoption" is the Date of the Secretary of State's Notice, Gazetting the adoption of Act.

NAME OF DISTRICT OR PLACE.	COUNTY.	Date of Adoption of Act.	Population in 1861.	Rateable Value of District.	Public, Local, and Personal, or Private Acts in Force, and the Date thereof.	REMARKS.
				£.		
d Aberavon (Borough)	Glamorgan	4 Dec. 1861	2,916	4,828	Market Act, 1848; 29 & 30 Vict. c. 240, Purchase of Gasworks Act.	
b Aberdare (Parish)	Glamorgan	31 July 1854	32,299	152,000	The Aberdare Market Act, 1852; the Aberdare Waterworks Act, 1858; the Burial Acts, 1858.	
c Abergavenny (District)	Monmouth	11 May 1863	not known	10,800	The Abergavenny Improvement Act, 1854.	
d Abergele and Pensarn (District)	Denbigh	26 April 1865	- -	- -	- - - - - - - - - -	Adoption rescinded in 1866.
d Abersychan (District)	Monmouth	30 June 1864	13,116	29,419		
b Accrington (District)	Lancaster	20 Aug. 1853	20,000	40,791		
d Acton (Parish)	Middlesex	30 Dec. 1865	3,151	26,324		
c Aldershot (District)	Hants	10 Aug. 1857	*7,000	16,115	- - - - - - - - - -	* Civilians.
b Alfreton (Township)	Derby	8 Aug. 1851	3,000	6,207		
d Allerton (Township)	York	6 Mar. 1863	2,000	6,887		
d Almondbury (District)	York	21 Nov. 1862	4,000	7,560		
b Alnwick and Canongate (Township).	Northumberland	27 July 1850	6,494	14,111		
d Alton (Parish)	Hants	25 Aug. 1860	3,769	14,060		
a Altrincham (Township)	Chester	11 Feb. 1851	6,628	23,333		
a Alvaston and Boulton (Township).	Derby	7 Aug. 1851	775	4,552		
a Arnold (Parish)	Nottingham	1 May 1854	4,642	—		
b Ashby-de-la-Zouch (District)	Leicester	14 Aug. 1850	7,645	15,023		
d Ashford (District)	Kent	6 Mar. 1863	7,005	25,896		
d Ashton-under-Lyne (Borough)	Lancaster	10 Oct. 1863	34,894	91,201	12 & 13 Vict. c. 35, Improvement Act, 1849; Waterworks Acts, 6 Will. 4, 1835, 18 Vict. c. 70, 27 & 28 Vict. c. 47; Public House Closing Acts, 1864 and 1865; 10 & 11 Vict. c. 201, Gas Act, 1847.	The Ashton Gas Company are the authority under the Gas Act, 1847; the mayor, aldermen, and burgesses under the other Acts.
d Astley Abbotts (Parish)	Salop	21 Aug. 1863	668	4,776		
d Astley Bridge (District)	Lancaster	23 Jan. 1864	3,269	12,296		

d Atherton (Township)	Lancaster	19 Dec. 1863	6,000	18,547		
d Austonley (Parish)	York	9 July 1860	1,901	4,981		
d Awre (Parish)	Gloucester	10 Sept. 1863	1,525	10,414		
a Aylesbury (Parish)	Buckingham	5 Sept. 1849	6,200	22,647		
d Bacup (District)	Lancaster	1 Oct. 1863	18,000	41,128	17 & 18 Vict. c. 140, 20 & 21 Vict. c. 144, Road Acts; 16 & 17 Vict. c. 59, 17 & 18 Vict. c. 18, Water Acts; 17 & 18 Vict. c. 26, 28 & 29 Vict. c. 6, Gas Acts; Public House Closing Act, 6 June 1866.	
a Baildon (Township)	York	18 Aug. 1852	3,895	6,236		
d Bakewell (Township)	Derby	8 June 1863	2,704	9,144		
d Bala (District)	Merioneth	24 Aug. 1859	1,500	2,430		
d Baldersby (Township)	York	6 Dec. 1862	233	3,623		
d Balsall Heath (District)	Worcester	13 Sept. 1862	10,000	24,846		
b Banbury (District)	Oxon and Northampton.	30 June 1852	10,200	25,569	6 Geo. 4, c. 130, Paving and Lighting Act	Partially repealed by provisional order, applying Act to District.
a Bangor (Borough)	Carnarvon	14 Aug. 1850	10,500	16,203	The Burial Acts, adopted October 1859; the Water and Gas Acts, adopted 3 July 1854; the Market Act, adopted 25 May 1855.	
d Barkisland (Township)	York	12 Dec. 1862	2,003	5,383		
a Barnard Castle (District)	Durham and York	19 June 1850	4,900	6,403		
d Barnet (District)	Herts and Middlesex.	29 Sept. 1863	4,500	8,784		
b Barnsley (Township)	York	9 May 1853	17,885	44,485	1777, an Inclosure Act; 59 Geo. 3, c. 114, Church Improvement Act; 5 Geo. 4, c. 63, Act amending preceding; 2 Geo. 4, 1821, a Lighting Act; 3 Geo. 4, c. 25, Lighting, &c. Act; 1 Vict. c. 82, Water Act; 25 & 26 Vict. c. 32, and 29 & 30 Vict. c. 98, Local Board Acts; the Sanitary Act, 1866; the Burial Acts.	Owing to the refusal of the ratepayers to appoint a Burial Board, the Local Board of Health constitute the Burial Board.
a Barton, Eccles, Winton, and Monton (District).	Lancaster	3 July 1854	11,146	29,000		
d Barton-upon-Humber (District)	Lincoln	6 Jan. 1863	4,000	16,838		
d Barton St. Mary (Hamlet)	Gloucester	11 May 1863	3,525	7,261		
d Barton St. Michael (Hamlet)	Gloucester	22 July 1863	1,933	2,900		
d Basford (District)	Nottingham	29 June 1860	12,185	22,227		
d Baslow (District)	Derby	6 Mar. 1863	1,000	3,641		
c Bath (City)	Somerset	24 July 1851	54,240	240.509	6 Geo. 3, c. 70, Market Act; 33 Geo. 3, c. 89, and 41 Geo. 3, c. 186, Paving and Lighting Acts; 54 Geo. 3, c. 105, Improvement Act; 6 Geo. 4, c. 74, Lighting Act; 9 & 10 Vict. c. 222, Water Supply Act; 14 & 15 Vict. c. 104, Improvement Act.	
a Batley (Township)	York	21 Feb. 1853	14,173	42,011		
a Battle (Parish)	Sussex	5 May 1851	3,249	10,580		
a Beaconsfield (Parish)	Buckingham	15 July 1850	1,662	6,567		
d Bedford (Borough)	Bedford	8 May 1862 and 30 Jan. 1864	13,413	46,807	- - - - - - - -	No other Public Act of the meaning expressed in the Circular is in force.
d Bedford (Township)	Lancaster	4 Nov. 1863	6,558	—		
d Bedlingtonshire (Parish)	Northumberland	19 Dec. 1861	8,328	29,316		

RETURN of Districts where "The Public Health Act, 1848," or "The Local Government Act, 1858," or both of them, are in Force, &c.—*continued.*

NAME OF DISTRICT OR PLACE.	COUNTY.	Date of Adoption of Act.	Population in 1861.	Rateable Value of District.	Public, Local, and Personal, or Private Acts in Force, and the Date thereof.	REMARKS.
				£.		
b Berwick-on-Tweed - - -	The Borough and Town of.	15 Aug. 1850	13,303	40,900	Sections 30 to 33 of 39 & 40 Geo. 3, c. 25, and part of 48 Geo. 3, c. 104.	The Provisional Order applying the Act, repealed the remainder of these Local Acts.
d Bethesda (District) - - -	Carnarvon - -	2 Sept. 1863	9,500	4,200	Bangor Water Act, 3 July 1854.	
b Beverley (Borough) - -	York - - -	7 Aug. 1851	9,654	29,578	48 Geo. 3, c. 87, Lighting and Watching Act, and 6 Geo. 4, c. 138, an Act amending the former one; 13 Geo. 1, 18 Geo. 2, Acts relating to Beverley Beck or Creek; and 6 Will. 4, an Act for regulating the Common Pastures.	These are wholly or partially in force.
d Bewdley (Borough) - -	Worcester - -	28 May 1860	2,852	7,500	43 Geo. 3, and 1 & 2 Geo. 4, c. 89, relating to Towing-paths along the Banks of the Severn, and to certain Roads in the Counties of Worcester and Salop.	
d Bicester, King's End (Township)	Oxford - - -	24 Feb. 1859	338	2,571		
d Bicester, Market End (Township)	Oxford - - -	22 July 1862	3,000	8,430		
d Bideford (Borough) - -	Devon - - -	3 Feb. 1859	5,742	14,017		
d Bilborough (Parish) - -	York - - -	10 Feb. 1863	204	2,573		
c Bilston (Township) - - -	Stafford - - -	14 Aug. 1850	24,337	60,200	13 & 14 Vict. c. 46, the Bilston Improvement Act.	
d Bingley (Township) - -	York - - -	8 Aug. 1863	12,000	17,446		
d Birkdale (Township) - -	Lancaster - -	30 May 1863	2,000	12,113		
d Birkenhead (District) - -	Cheshire - - -	12 April 1865	- -	- -	- - - - - - - - - - -	The Commissioners having only adopted a few sections of the Act, the Clerk thinks he should not make a Return.
d Birkenshaw (District) - -	York - - -	6 May 1864	3,000	6,665		
d Birstal (District) - - -	York - - -	20 Jan. 1864	6,000	14,827		
b Bishop Auckland (Township) -	Durham - - -	31 July 1854	5,112	17,375		
d Bisley (Parish) - - -	Gloucester - -	6 Aug. 1864	4,692	11,932		
d Blaenavon (District) - -	Monmouth - -	26 Mar. 1860	5,876	11,979		
d Blandford-Forum (District) -	Dorset - - -	16 Mar. 1854	4,000	8,338		
d Blaydon-on-Tyne (District) -	Durham - - -	21 Sept. 1861	2,800	4,500		
d Bollington (District) - -	Chester - - -	3 June 1862	4,100	10,315		
c Bolton (Borough) - - -	Lancaster - -	29 May 1865	70,396	184,239	Gas Act, 1854; Improvement Act, 1854; Public Libraries Act, 1855; Regulating Measures for Sale of Gas (adopted 1860), and an Act amending same; Improvement Act, 1861; Public-house Closing Act, 1864; Improvement Act, 1864; Gas Act, 1864; Improvement Act, 1865.	
d Bolton (Township) - - -	York - - - -	17 June 1865	937	3,313		
d Bonsall (Parish) - - -	Derby - - -	17 Jan. 1863	1,250	3,180		
d Boston (Borough) - - -	Lincoln - - -	28 April 1859	15,000	37,853	Sections 12 & 25 of 16 Geo. 3, c 25; section 1 of 46 Geo. 3, c. 46; sections 12 & 34 of 32 Geo. 3, c. 80; section 9 of 46 Geo. 3, c. 40.	These sections of Lighting, Paving, and Watching Acts were unrepealed by the Provisional Order on adoption of Act.
d Bowdon (Township) - -	Chester - - -	20 Jan. 1864	1,827	15,784		

c Bradford (Borough)	York	29 July 1850	106,218	405,417	Bradford Improvement Act, 1850; Waterworks Act, 1854; Waterworks Amendment Act, 1855; Waterworks Act, 1858; Waterworks Act, 1862; the Bradford Corporation Act, 1866; the Baths and Wash-houses Act, and the Public-house Closing Act.	
a Bradford (Township)	Lancaster	29 Dec. 1856	3,900	10,160		
d Bradley (District)	York	29 Mar. 1862	760	5,174		
a Braintree (Parish)	Essex	13 July 1850	4,620	11,850		
b Brecon (Borough)	Brecknock	15 July 1850	5,234	19,000	16 Geo. 3, 1776, a Paving and Lighting Act; the Market Act, 1862 (transferring certain rights of holding markets, &c., from the Corporation to a Company constituted by such Act).	Partially repealed by the Provisional Order applying the Public Health Act to the District.
d Bredbury (Township)	Chester	5 Jan. 1865	3,408	13,302		
b Bridgend (Town)	Glamorgan	7 Aug. 1851	3,500	8,367		
a Bridgnorth (Borough)	Salop	29 Dec. 1853	5,700	11,000		
d Bridlington (Parish)	York	11 May 1863	6,833	19,450		
d Bridport (Borough)	Dorset	23 Sept. 1859	7,719	15,426	1 Geo., 1722, Haven of Bridport; 25 Geo. 3, 1785, Rebuilding Market House, &c.; 4 Geo. 4, 1823, for the Maintenance of Harbour.	
d Brigg (District)	Lincoln	27 April 1864	2,253	4,724		
d Brighouse (Hamlet)	York	12 May 1863 and 21 July 1865	6,500	16,000		
d Brighton (Borough)	Sussex	22 Aug. 1860	77,693	365,720	6 Geo. 4, c. 179, Town Act; 13 Vict. c. 5, the Pavilion Purchase Act; 18 Vict. c. 6, the Commissioners Transfer Act; 9 & 10 Vict. c. 74, and 10 & 11 Vict. c. 61, Public Baths, &c., Acts; Sales of Gas Act, 22 & 23 Vict. c. 66; the Public-house Closing Act, 1864, 27 & 28 Vict. c. 64.	
b Bristol (City)	City and County of	7 Aug. 1851	154,093	526,393	1 Vict., 1837, an Act for preventing Encroachments, &c.; the Improvement Acts, 1840 and 1847; the Waterworks Act, 1862; the Public-house Closing Act.	There are other Acts relating to Railways, Docks, Bridges, Roads, &c., but they do not fall within the province of the Local Board.
d Briton Ferry (District)	Glamorgan	4 June 1864	3,781	6,582		
d Bromsgrove (Town)	Worcester	9 Nov. 1859 and 23 July 1863	- -	13,368	- - - - - - - -	Population not known, the parish being divided into two districts. Population of parish in 1861, 10,822.
d Broughton (Parish)	Lincoln	25 July 1864	1,280	7,646		
b Brynmawr (District)	Brecon	7 Aug. 1851	6,000	7,528		
d Buglawton (District)	Chester	22 July 1863	2,300	8,430		
a Bulkington (Parish)	Warwick	13 July 1850	1,858	10,255		
a Burley (Township)	York	13 Sept. 1854	2,136	6,890		
a Burnham (District)	Somerset	9 Mar. 1850	2,000	2,744		

RETURN of Districts where "The Public Health Act, 1848," or "The Local Government Act, 1858," or both of them, are in Force, &c.—*continued.*

NAME OF DISTRICT OR PLACE.	COUNTY.	Date of Adoption of Act.	Population in 1861.	Rateable Value of District.	Public, Local, and Personal, or Private Acts in Force, and the Date thereof.	REMARKS.
d Burnley (Town)	Lancaster	27 June 1859	28,788	70,000	The Burnley Improvement Act, 1854, 17 Vict. c. 67; the Burnley Market Act, 1865, 28 & 29 Vict. c. 230.	
b Burslem (Parish)	Stafford	2 Aug. 1850	21,601	53,000	2 & 3 Vict. c. 15, the Stipendiary Justice Act; the Public Libraries Act, 1865.	
d Burton-on-Trent (Town)	Stafford	16 Nov. 1863	13,671	56,569	16 & 17 Vict. c. 118, Town Act; 22 & 23 Vict. c. 136, Bridge Act; 16 & 17 Vict. c. 133, 20 & 21 Vict. c. 126, 27 & 28 Vict. c. 89, 29 Vict. c. 59, and 24 & 25 Vict. c. 95, Water Acts.	Bakehouse Regulation Act and Stipendiary Magistrates Act are also in force.
d Bury (District)	Lancaster	13 Aug. 1864	40,000	114,624	The Bury Market Act, 1839; the Bury Improvement Act, 1846; the Bury and Radcliffe Waterworks Act, 1863; the Bury Gas Act, 1857; the Bury Gas Act, 1866; the Burials Act, 20 & 21 Vict. c. 81.	
d Bury St. Edmunds (Borough)	Suffolk	11 Aug. 1859	13,318	38,455	21 Geo. 2, c. 21; 51 Geo. 3; 1 Geo. 4, Paving and Lighting Acts; 12 Vict., 26 June 1849, a Gas Act.	
d Buxton (District)	Derby	8 Apr. 1859	2,000	12,632		
b Caermarthen (County of the Borough).	County of Borough	1 Aug. 1849	9,700	23,762	The Market Act, 1843; the amended Market Act, 1853.	
a Calne (District)	Wilts	14 Apr. 1851	4,000	6,770		
d Canterbury (City and Borough)	Kent	3 Aug. 1865	21,324	54,714	41 Geo. 3, c. 7, and 5 Geo. 4, c. 134, Market Acts; the Public Libraries and Museum Act; the Lodging House Acts; the Sanitary Act, 1866.	
b Cardiff (Borough)	Glamorgan	15 Aug. 1850	32,954	153,003	Public Libraries Act, 1855; Small Tenements Rating Act; the Improvement Act, 1837; the Borough Act, 1862.	Part of the Improvement Act is repealed by the Provisional Order applying the Public Health Act.
b Carlisle (City)	Cumberland	15 Aug. 1850	32,000	87,000	44 Geo. 3, c. 58, a Lighting Act; 7 & 8 Geo. 4, a Watching Act; Gas Act, 1850.	
d Carnarvon (Borough)	Carnarvon	21 Feb. 1860	8,350	19,045	28 Vict. c. 99, Waterworks Act; Diseases Prevention Act (adopted March 1866); the Nuisances Removal Act, 1855 (adopted April 1866).	
d Cartworth (Township, part of)	York	5 Apr. 1861	2,235	5,499		
a Castleford (District)	York	7 Aug. 1851	5,000	6,981		
d Charlton Kings (Parish)	Gloucester	28 Dec. 1861	3,443	18,195		
b Chatham Extra (District)	Kent	1 Aug. 1849	* 20,288	53,690	12 Geo. 3, and 16 Geo. 3, Paving and Lighting Acts, repealed by 23 & 24 Vict. c. 118.	* 20,288 Civilians; 3,743 Military.
b Chelmsford (Parish)	Essex	15 July 1850	8,407	31,350	29 Geo. 3, c. 44, and 3 Geo. 4, c. 59, Paving and Lighting Acts.	

d Cheltenham (Borough and Parish).	Gloucester - -	15 July 1850	39,693	190,635	Cheltenham Waterworks Acts, 1824, and 1839, and 1847; the Cheltenham and Gloucester Turnpike Road Act, 1851; the Improvement Act, 1852; the Gas Act, 1856; the Waterworks Capital Act, 1858; the Tramroads Abandonment Act, 1859; the Sewage Utilization Act, 1865; the Waterworks Act, 1865.	
d Chipping Wycombe (Borough)	Buckingham - -	23 Sept. 1865	4,222	9,940		
d Chepstow (Parish) - -	Monmouth - -	12 Dec. 1864	3,455	10,754		
a Cheshunt (Parish) - - -	Herts - - -	13 July 1850	6,589	29,790		
a Chilvers Coton (Parish) - -	Warwick - -	13 July 1850	2,762	8,245		
d Chorley (District) - - -	Chester - - -	- -	1,800	13,500		
d Chorley (Parish) - - -	Lancaster - -	25 Oct. 1862	15,013	44,107		
b Christchurch (District) - -	Monmouth - -	14 Aug. 1855	1,646	5,000		
d Clayton-le-Moors (Township) -	Lancaster - -	24 Dec. 1863	5,090	10,766		
d Clayton, West (Township) -	York - - -	4 Oct. 1862	1,600	4,022		
d Cleator Moor (District) - -	Cumberland - -	17 Oct. 1864	4,188	8,367		
d Cleckheaton (Township) -	York - - -	11 Feb. 1863	6,500	17,800		
a Clevedon (Parish) - - -	Somerset - -	7 Feb. 1853	3,000	13,700		
a Clitheroe (Borough) - -	Lancaster - -	19 June 1850	7,000	23,763	The Clitheroe Waterworks Act, 1854; the Clitheroe Gas Act, 1861.	
d Cockermouth (Township) -	Cumberland - -	19 Dec. 1863	5,388	14,000		
d Colchester (Borough) - -	Essex - - -	14 July 1859	23,000	43,000	51 Geo. 3, c. 43, for improving the Navigation to, and for better Paving and Lighting, &c.; 10 & 11 Vict. c. 81, an Act to amend the former Acts.	
d Consett (District) - - -	Durham - -	24 Aug. 1865	6,000	12,000		
d Cottingham (Parish) - -	York - - -	24 Sept. 1863	4,200	23,137		
b Coventry (City) - - -	Warwick - -	1 Aug. 1849	40,937	100,451	30 Geo. 3, c. 77, Paving, &c. Act; 7 & 8 Vict. c. 86, Water Act; 7 & 8 Vict. c. 76, an Act to enable the Mayor, &c., to provide a Residence for the Judges of Assize, and to provide a Cemetery; 19 & 20 Vict. c. 38, the Coventry Gas Act; 19 Geo. 3, c. 60, an Act establishing certain Payments to the Vicar of St. Michael for the time being, in lieu of Tithes.	
d Cowpen (District) - - -	Northumberland -	4 July 1864	4,000	3,993		
d Cramlington (District) - -	Durham - - -	23 Sept. 1865	3,301	13,374		
d Crompton (Township) - -	Lancaster - -	20 Oct. 1863	7,031	19,100		
d Croston (Township) - -	Lancaster - -	6 Mar. 1863	1,700	5,814		
a Crumpsall (Township) - -	Lancaster - -	7 Apr. 1854	4,285	18,831		
d Cuckfield (District) - -	Sussex - - -	7 July 1860	800	—		
d Cumberworth and Cumberworth Half (Upper Division) (Townships).	York - - -	27 Aug. 1862	1,925	3,126		
d Crowle (Parish) - - -	Lincoln - - -	10 Aug. 1865	3,182	15,327		
b Croydon (Parish) - - -	Surrey - - -	1 Aug. 1849	30,240	162,000	10 Geo. 4, a Lighting Act - - - -	Population is now estimated at 45,000.
a Cwm-du (Parish) - - -	Glamorgan - -	5 June 1858	5,000	12,095		

RETURN of Districts where "The Public Health Act, 1848," or "The Local Government Act, 1858," or both of them, are in Force, &c.—*continued.*

NAME OF DISTRICT OR PLACE.	COUNTY.	Date of Adoption of Act.	Population in 1861.	Rateable Value of District.	Public, Local, and Personal, or Private Acts in Force, and the Date thereof.	REMARKS.
				£.		
b Darlington (Township) - -	Durham - - -	15 Aug. 1850	15,799	67,273		
b Dartford (Parish) - - -	Kent - - -	15 July 1850	6,579	32,305		
d Dartmouth (Borough) - -	Devon - - -	13 April 1859	4,443	12,423	55 Geo. 3, c. 28, an Act for Building a Market-house, and for better Paving, Lighting, and Watching, &c.	Part of this Act, sections 15 to 82 inclusive, is repealed by 23 & 24 Vict. c. 118.
d Darton (Parish) - - -	York - - -	28 Sept. 1864	4,592	14,846		
d Dawdon (Township) - -	Durham - - -	11 May 1863	7,000	16,133		
d Dawlish (District) - - -	Devon - - -	2 Feb. 1860	4,000	13,554		
d Deighton (Hamlet) - -	York - - -	4 Oct. 1859	1,700	3,694		
d Denby (Parish) - - -	York - - -	6 Mar. 1863	1,816	4,609		
d Denholme Gate (District) -	York - - -	31 Mar. 1865	3,000	4,212		
a Denton (Township) - - -	Lancaster - -	23 July 1857	3,335	9,547		
b Derby (Borough) - - -	Derbyshire - -	15 July 1850	50,609	119,990	6 Geo. 4, c. 132, a Paving and Lighting Act, partially repealed; Gas Acts, 1820, and 1841, and 1852; Waterworks Act, 1848.	
a Dewsbury (Borough) - -	York - - -	23 Oct. 1851	18,148	57,041	19 & 20 Vict. c. 36, Waterworks Act; 24 & 25 Vict., Water Act Amendment Act; 24 & 25 Vict. c. 94, Gas Act, 1861.	
a Diss (Parish) - - - -	Norfolk - - -	13 Nov. 1850	3,800	11,087		
d Dodworth (Township) - -	York - - -	17 Nov. 1864	2,117	12,786		
d Dolgelly (District) - - -	Merioneth - -	5 Jan. 1865	2,000	3,600		
b Doncaster (Borough) - -	York - - -	7 Aug. 1851	17,406	49,700	43 Geo. 3, c. 147 - - - - - - -	Partially repealed by the Provisional Order applying the Public Health Act, 1848, to the Borough.
b Dorchester (Borough) - -	Dorset - - -	9 May 1853	6,823	14,598		
b Dover (Borough) - - -	Kent - - -	15 July 1850	24,970	93,356	18 Geo. 3, c. 76, a Paving and Lighting Act; 30 Geo. 3, c. 20, to amend the former one; 11 Geo. 4, c. 117, to amend the two former Acts; 5 Will. 4, c. 47, to amend the three former Acts; 7 Geo. 4, c. 5, for enlarging the Market.	
d Dresden (District) - - -	Stafford - - -	22 July 1863	- -	- -	- - - - - - - - - -	Three applications have been made for information, but no notice has been taken.
d Dronfield (Township) - -	Derby - - -	11 Oct. 1861	2,243	6,635		
d Droylsden (District) - -	Lancaster - -	17 Nov. 1863	7,750	14,221		
b Dudley (Parish) - - -	Worcester - -	9 May 1853	41,978	102,545	31 Geo. 3, c. 79, Paving and Lighting; Gas Act, 1853; South Staffordshire Waterworks Act, 1866; the Sanitary Act, 1866.	Paving and Lighting Act partially repealed by the Provisional Order applying the Public Health Act to the district.
b Dukinfield (District) - -	Chester - - -	9 Mar. 1857	15,133	34,754		

d Dunstable (Borough)	Bedford	23 April 1863	4,470	10,970	- - - - - - - - - -	A Charter of Incorporation was granted to the Town in 1864.
b Durham (City)	Durham	19 July 1849	13,187	33,268	30 Geo. 3, c. 67, Paving and Lighting; 9 Geo. 4, c. 26, Paving and Lighting; 14 & 15 Vict. c. 6, Market Act; 9 & 10 Vict. c. 74, Baths and Washhouses; 22 & 23 Vict. c. 66, Regulation of Sale of Gas.	Partially repealed by Public Health Supplemental Act, 1849.
d Ealing (District)	Middlesex	14 Mar. 1863	5,064	30,096		
d Eastbourne (Parish)	Sussex	22 Dec. 1858	7,000	22,586		
d East Cowes (District)	Hants	13 Oct. 1859	1,950	4,867		
d East Vale (District)	Stafford	7 July 1863	1,500	2,697		
a Eccleshill (Township)	York	21 Mar. 1865	4,482	7,753		
a Edmonton (Parish)	Middlesex	19 June 1850	10,919	50,847		
b Elland (Township)	York	9 May 1853	7,225	—		
d Ellesmere (Township)	Salop	5 April 1859	2,392	7,290		
b Ely (City)	Cambridge	15 July 1850	7,976	43,594	- - - - - - - - - -	There are no Private Acts in force within the district, except sundry Fen Drainage Acts, which it is presumed are not contemplated in this Return.
d Emley (Township)	York	12 Nov. 1862	1,441	5,680		
a Enfield (Parish)	Middlesex	19 June 1850	12,410	65,598		
a Epsom (Parish)	Surrey	9 Mar. 1850	4,890	20,028		
a Eton (District)	Buckingham	6 Oct. 1849	—	—		
b Exmouth (Township)	Devon	15 Aug. 1850	5,228	14,835		
d Failsworth (Township)	Lancaster	17 Nov. 1863	5,109	15,669		
d Fairfield (District)	Derby	28 Mar. 1859	800	2,574		
d Falmouth (Parish)	Cornwall	24 Dec. 1863	3,683	13,162		
a Fareham (Parish)	Hants	5 Sept. 1849	6,169	25,500		
d Farnley Tyas (Township)	York	26 April 1862	702	2,251		
d Farnworth (District)	Lancaster	10 Sept. 1863	12,000	25,000		
d Fenton (District)	Stafford	2 Mar. 1860 and 20 Feb. 1863	9,000	20,324	- - - - - - - - - -	Partial adoption.
d Flockton (Township)	York	6 Mar. 1863	1,084	3,701		
d Frome (Borough)	Somerset	14 June 1865	9,522	19,365		
d Fulstone (Township)	York	31 May 1862	2,242	5,278		
d Fulwood (Township)	Lancaster	6 Mar. 1863	905	7,977	- - - - - - - - - -	Exclusive of Barracks.
b Gainsborough (District)	Lincoln	30 June 1862	7,196	23,600	19 Vict. c. 9, Gas Act; 28 & 29 Vict. c. 110, Waterworks Act.	
a Garston (Chapelry)	Lancaster	3 July 1854	- -	30,939	- - - - - - - - - -	Rateable value in 1864.
b Gateshead (Borough)	Durham	7 Aug. 1851	33,587	103,322	54 Geo. 3, Paving and Lighting Act; Baths and Washhouses Acts, 1846 and 1847; Quay Acts, 1855 and 1859.	

RETURN of Districts where "The Public Health Act, 1848," or "The Local Government Act, 1858," or both of them, are in Force, &c.—*continued.*

NAME OF DISTRICT OR PLACE.	COUNTY.	Date of Adoption of Act.	Population in 1861.	Rateable Value of District.	Public, Local and Personal, or Private Acts in Force, and the Date thereof.	REMARKS.
				£.		
b Gloucester (Borough) - -	Gloucester - -	1 Aug. 1849	16,512	56,854	23 Geo. 2, Improvement Act; 17 Geo. 3, Bridge Act; 21 Geo. 3, c. 74, New Gaol Act; 1 and 2 Geo. 4, Markets, &c.; 4 Geo. 3, c. 60, Lighting, &c.; 59 Geo. 3, c. 69, Lighting, &c.; 1 Geo. 4, c. 10, Gas Company Incorporation; 4 Will. 4, c. 52, Extending the Powers of Gas Company; 18 & 19 Vict. c. 89, Water Act.	
a Godmanchester (Borough) -	Huntingdon - -	30 Jan. 1850	2,438	7,465		
d Golcar (Township) - - -	York - - -	2 Feb. 1861	5,110	10,911		
d Gorton (District) - - -	Lancaster - -	16 Oct. 1863	12,000 to 13,000	30,000 to 31,000		
d Gosport (Town) - - -	Hants - - -	30 Nov. 1858	8,267	13,550	3 Geo. 3, c. 56, Paving Act; 54 Geo. 3, c. 20, Lighting and Watching Act.	Including 1,010 soldiers in Barracks.
d Grantham (Borough) - -	Lincoln - - -	17 Oct. 1864	4,945	14,516	Public Baths and Washhouses Act, 9 & 10 Vict. c. 74.	
d Great Crosby (Township) -	Lancaster - -	23 April 1863	2,400	9,940		
d Great Harwood (Township) -	Lancaster - -	24 Sept. 1863	4,070	8,270		
d Greetland (District) - -	York - - -	11 Mar. 1865	3,200	9,000		
a Great Grimsby (Borough) -	Lincoln - - -	14 April 1851	11,060	33,257	8 Geo. 4, an Inclosure Act; 8 Vict., Dock Act; 9 & 10 Vict., Gas Act. Pastures Act, 1849; Causeway Act, 1852, Improvement Act, 1853; Water Act, 1863; and Public House Closing Act, adopted 1865.	
d Guildford (Borough) - -	Surrey - - -	17 Sept. 1864	8,000	36,000	A Lighting and Watching Act, 24th June 1759.	
d Guisborough (Township) -	York - - -	9 Mar. 1865	4,084	13,163		
d Guiseley (Township) - -	York - - -	2 June 1863	2,566	7,340		
d Gunthwaite and Ingbirchworth (Townships).	York - - -	5 Sept. 1862	753	2,036		
b Halifax (Borough) - - -	York - - -	8 Aug. 1851	37,015 49,000	120,139 160,000	4 Geo. 4, c. 90, Paving, &c.; 16 & 17 Vict. c. 147, Improvement Act, 1853; 18 & 19 Vict. c. 144, Gas Act, 1855; 21 & 22 Vict. c. 91, Park and Improvement Act, 1858; 25 Vict. c. 41, Improvement Act, 1862; 27 & 28 Vict. c. 64, Public House Closing Act, 1864.	The Borough was extended in 1865. The population and rateable value are before and after extension.
d Halliwell (Township) - -	Lancaster - -	25 Nov. 1863	5,953	22,761		
a Halstead (Parish) - - -	Essex - - -	27 Nov. 1852	7,000	20,000	- - - - - - - - -	About the population.
d Ham Common (District) -	Surrey - - -	7 Nov. 1861	1,420	3,894		
d Hampton Wick (Hamlet) -	Middlesex - -	21 May 1863	1,994	10,904		

d Hanley (Borough)	Stafford	31 Jan. 1859	31,953	76,943	The Burial Acts; the Public House Closing Act; a Market Act, 53 Geo. 3, c. 115; a Lighting and Police Act, 9 Geo. 4.
d Harborne (Parish)	Stafford	15 Feb. 1864	3,300	19,500	
d Harrogate, High and Low (District).	York	30 Aug. 1862	6,000	28,840	The Harrogate Improvement Act, 1841.
b Harrow (District)	Middlesex	15 July 1850	2,974	20,698	
b Hartlepool (Borough)	Durham	7 Aug. 1851	12,254	23,567	18 & 19 Vict. c. 49, Water and Gas Act, 1855; 25 & 26 Vict. c. 63, Pilotage; Public House Closing Act, adopted April 11, 1865.
b Hastings (Borough)	Sussex	7 Aug. 1851	20,000	127,798	Portions of 2 Will. 4, c. 91.
a Havant (Parish)	Hants	5 April 1852	2,416	9,395	
a Haworth (District)	York	23 Oct. 1851	3,500	—	
d Hay (District)	Brecon	24 Oct. 1864	1,800	4,444	
d Heage (Township)	Derby	6 Mar. 1863	2,286	5,493	
a Heanor (Township)	Derby	8 June 1854	3,600	9,447	
d Heap (District)	Lancaster	5 Mar. 1854	15,000	47,880	
d Heaton (District)	York	13 Aug. 1863	2,700	5,402	
a Heckmondwike (Township)	York	1 April 1853	6,339	18,017	
d Henley (District)	Oxford	24 Oct. 1864	5,000	11,362	
d Hepworth (Township)	York	2 Aug. 1862	1,400	4,145	
a Hexham (Township)	Northumberland	25 Nov. 1853	5,270	18,403	The Burial Board Act beyond the Metropolis is in force.
d Higher Bebington (Township)	Chester	16 Mar. 1859	2,200	13,000	
b Holbeach (Parish)	Lincoln	15 Aug. 1850	4,960	37,575	
d Hollingworth (Township)	Chester	7 Dec. 1863	2,300	6,359	
d Holme (Township)	York	26 April 1860	807	1,461	
d Holme Cultram (Parish)	Cumberland	11 May 1863	3,850	20,262	
d Holyhead (Borough)	Anglesey	30 Dec. 1859	8,400	8,035	Holyhead Water Company's Act, 1866 29 & 30 Vict., 20th May 1866.
d Holywell (District)	Flint	14 June 1862	5,740	8,081	
d Honley (Township)	York	28 Sept. 1864	4,626	12,759	
d Hoole (Township, part of)	Chester	23 Mar. 1864	1,700	6,205	
d Hopwood (Township)	Lancaster	15 Oct. 1863	2,281	12,814	
d Horbury (District)	York	6 Mar. 1863	3,246	13,999	
d Hornsea (Parish)	York	2 July 1863	1,063	—	
a Houghton-le-Spring (Township)	Durham	3 July 1854	4,757	58,831	
d Howdon (District)	Northumberland	4 July 1864	2,500	1,587	
c Huddersfield (Borough)	York	22 Feb. 1864	24,000	98,708	The Huddersfield Improvement Act, 1848; The Huddersfield Burial Ground Act, 1852; The Public House Closing Act, 1864.
d Hurst (Hamlet)	Lancaster	17 April 1861	6,000	12,000	
d Hyde (Township)	Chester	10 Sept. 1863	13,726	39,900	
d Idle (District)	York	28 July 1864	4,994	16,200	
a Ilfracombe (Parish)	Devon	5 May 1851	3,802	15,767	
d Ilkeston (Parish)	Derby	9 June 1864	8,374	15,454	

RETURN of Districts where "The Public Health Act, 1848," or "The Local Government Act, 1858," or both of them, are in Force, &c.—*continued.*

NAME OF DISTRICT OR PLACE.	COUNTY.	Date of Adoption of Act.	Population in 1861.	Rateable Value of District.	Public, Local and Personal, or Private Acts in Force, and the Date thereof.	REMARKS.
				£.		
b Ipswich (Borough) - - -	Suffolk - - -	9 Mar. 1857	37,719	116,369	30 Geo. 3, Making and Maintaining a Navigable Communication, &c.; 9 Vict., an Act amending the former; the Ipswich Gas Act, 1847, 13 & 14 Vict. c. 99; the Public Libraries Act; the Ipswich Dock Act, 1852; the Ipswich Waterworks Act, 1857; the Ipswich Fishery Act, 1859; the Ipswich Gas Act, 1854.	Acts relating to Railways in the district are not included in this list.
d Jarrow (District) - - -	Durham - - -	24 Oct. 1863	17,000	25,687		
d Kearsley (Township) - -	Lancaster - -	14 Oct. 1865	5,003	17,566		
b Keighley (Township) - -	York - - -	14 Aug. 1855	18,819	26,574	56 Geo. 3, c. 43, a Water Supply Act; 5 Geo. 4, c. 23, a Paving and Lighting Act.	
b Kendal (Borough) - - -	Westmoreland - -	1 Aug. 1849	13,000	36,876	Bakehouse Regulation Act, 1863.	
a Keswick (Township) - -	Cumberland - -	7 Feb. 1853	2,848	8,100		
d Kingsholm, St. Catherine (District).	Gloucester - -	8 April 1865	3,000	3,108		
b Kingston-on-Hull (Borough) -	County of the town -	7 Aug. 1851	97,660	289,603	6 & 7 Vict. c. 73, a Waterworks Act; 17 & 18 Vict. c. 101, an Improvement Act; 27 & 28 Vict. c. 74, the Public House Closing Act, 1864; the Burial Acts; the Sanitary Act, 1866.	
d Kington (Town and Borough) -	Hereford - - -	8 Oct. 1860	3,076	7,297	10 Geo. 4, 1 June 1829, Paving and Lighting Act.	
d Kirkburton (Township) - -	York - - -	5 July 1860	3,664	6,236		
a Kirkham (Township) - -	Lancaster - -	10 Jan. 1852	3,380	6,722		
d Kirkheaton (Township) - -	York - - -	12 April 1860	3,011	6,555		
d Kirklington-cum-Upsland (Township).	York - - -	1 May 1862	580	3,072		
a Knighton (Borough) - -	Radnor - - -	30 Jan. 1850	1,651	4,371		
b Lancaster (Borough) - -	Lancaster - -	1 Aug. 1849	14,487	42,307	5 Geo. 4, c. 66, a Lighting, &c. Act.	
b Launceston (District and Borough).	Cornwall - -	15 Aug. 1850	3,500	10,461	11 & 12 Vict. c. 63, Lighting and Reparation of Streets and Highways, other than Turnpike Roads; a Market Act, 3 Vict.; a Turnpike Act, 5 Will. 4.	
a Layton-with-Warwick (District)	Lancaster - -	23 Oct. 1851	3,907	22,132		
b Leamington (District) - -	Warwick - -	30 June 1852	17,454	93,001	6 Geo. 4, c. 133, Paving and Lighting; 6 & 7 Vict. c. 59, amending former; 10 & 11 Vict. c. 34, consolidating the two; the Public Libraries Act, 1855.	
c Leek (Town) - - - -	Stafford - - -	16 July 1855	10,039	24,832	Leek Improvement Act, 1855; 8 Geo. 4, c. 27, a Water Supply Act; the Public Baths Act.	
d Lees (District) - - -	Lancaster - -	4 Sept. 1859	6,000	5,189		

b Leicester (Borough)	Leicester	1 Aug. 1849	68,186	180,000	2 Geo. 4, c. 3, 1 Vict. c. 52, 23 Vict. c. 5, Gas Acts; 2 Will. 4, c. 10, Vestry Act; 8 & 9 Vict. c. 6, Freemen Act; 9 Vict. c. 29, Improvement Act; Waterworks Act, 1847; Cemetery Act, 1848; Sewerage Act, 1851; Waterworks Amendment Act, 1851; Cemetery Amendment Act, 1860; Lunatic Asylum and Improvement Act, 1865; Cattle Market and Town Hall Improvement Act, 1866.	
d Levenshulme (District)	Lancaster	1 May 1865	2,500	9,364		
d Leyland (Township)	Lancaster	2 July 1863	3,755	12,981		
d Lillington (District)	Warwick	11 June 1859	480	8,856		
d Lindfield (District)	Sussex	5 Feb. 1859	1,000	2,291		
d Lindley-cum-Quarmby (Township)	York	12 April 1860	4,259	11,311		
d Linthwaite (Township)	York	11 July 1861	4,300	10,032		
d Litherland (District)	Lancaster	23 April 1863	2,500	7,616		
a Littlehampton (Parish)	Sussex	21 Feb. 1863	2,417	8,260		
d Liverpool (Parish)	Lancaster	21 Nov. 1859	269,742	2,150,133	9 Vict. c. 35, 9 & 10 Vict. c. 287, 10 Vict. c. 17, 10 & 11 Vict. c. 261, 13 & 14 Vict. c. 80, 14 & 15 Vict. c. 77, 15 Vict. c. 47, 18 Vict. c. 66, 19 Vict. c. 5, 23 Vict. c. 12, 25 & 26 Vict. c. 107, 29 & 30 Vict. c. 126, Water Acts, Police and Improvement Acts, viz.: 1 Vict. c. 115, 1 Vict. c. 98, 2 & 3 Vict. c. 92, 5 & 6 Vict. c. 106, 9 & 10 Vict. c. 127, 7 & 8 Vict. c. 51, 9 & 10 Vict. c. 120, 17 Vict. c. 15, 18 & 19 Vict. c. 155, 17 Vict. c. 14, 21 & 22 Vict. c. 80, 27 & 28 Vict. c. 72, 24 Vict. c. 42, 25 & 26 Vict. c. 126, 28 Vict. c. 20, 27 & 28 Vict. c. 78.	
d Llandaff (Canton District)	Glamorgan	19 July 1859	3,900	5,625		
d Llandilo (District)	Carmarthen	28 April 1859	- -	4,000		
b Llanelly (Borough)	Carmarthen	15 Aug. 1850	11,084	31,425	47 Geo. 3, c. 107, Inclosing Lands and Improving Town and Port of Llanelly; 28 Vict. c. 65, a Water Supply Act.	
b Llangollen (District)	Denbigh	9 Mar. 1857	3,000	7,300		
d Lockwood (Township)	York	6 Mar. 1863	6,755	20,053		
d Long Sutton (District)	Lincoln	30 Feb. 1860	2,619	10,423		
d Longton (Township)	Stafford	25 Nov. 1865	16,700	36,655	2 Vict. c. 45, for establishing an Effective Police, &c.	In 1865, a charter of incorporation was granted to the town.
d Longwood (Township)	York	21 April 1860	3,401	9,344		
a Loughborough (Parish)	Leicester	30 Jan. 1850	10,955	24,867		
d Lower Bebington (Township)	Chester	21 May 1863	2,600	9,000		
d Lower Brixham (District)	Devon	19 Sept. 1862	3,937	6,107		
d Lower Mitton (Hamlet)	Worcester	25 Nov. 1863	2,958	8,783		
d Ludgvan (Parish)	Cornwall	8 July 1864	3,480	7,091		
d Ludlow (Borough)	Salop	29 April 1859	5,178	- -	- - - - - - - - - -	Only Local Government Act and the Acts incorporated therewith in force.
a Luton (Township)	Bedford	19 June 1850	16,800	38,007		
d Lymm (Parish)	Chester	6 Mar. 1863	3,767	19,951	- - - - - - - - - -	The assessment on Canal has since been reduced, on appeal, 697 *l.*

RETURN of Districts where "The Public Health Act, 1848," or "The Local Government Act, 1858," or both of them, are in Force, &c.—*continued.*

NAME OF DISTRICT OR PLACE.	COUNTY.	Date of Adoption of Act.	Population in 1861.	Rateable Value of District.	Public, Local and Personal, or Private Acts in Force, and the Date thereof.	REMARKS.
				£.		
c Macclesfield (Borough)	Chester	28 May 1852	36,095	74,026	A Water Act, Royal Assent, 26 June 1849; 15 Vict., For Improvement of the Municipal Borough; The Local Board of Health Gas Act.	
d Madron (Parish)	Cornwall	11 May 1863	2,516	12,773		
a Maidenhead (Borough)	Berks	26 Dec. 1851	3,895	19,000		
a Malton (Borough)	York	13 Sept. 1854	8,072	25,862		
b March (Township)	Cambridge	8 Aug. 1851	5,455	44,095		
b Margate (Borough)	Kent	7 Aug. 1851	10,019	38,000	27 Geo. 3, c. 45, 39 Geo. 3, c. 2, 49 Geo. 3, c. 117, 52 Geo. 3, c. 186, Pier and Harbour Acts; 53 Geo. 3, c. 82, and 6 Geo. 4, c. 20, Lighting, &c. Acts; 7 Geo. 4, c. 31, Harbour and Lighting Act.	These Acts are partially repealed, certain sections only remaining in force.
d Marlborough (Borough)	Wilts	23 June 1859	3,455	8,415		
d Marsden in-Almondbury (Township).	York	28 April 1860	2,040	6,127		
d Marsden-in-Huddersfield (Township).	York	9 April 1862	663	3,401		
d Masham (Parish)	York	3 Feb. 1863	2,439	14,670		
d Matlock (Parish)	Derby	14 May 1862	—	—		
d Matlock Bath and Scarthin Nick (District).	Derby	13 July 1865	1,400	4,220		
d Meltham (District)	York	28 Mar. 1860	4,500	9,472		
d Melton Mowbray (Parish)	Leicester	6 July 1860	4,936	15,316		
a Merthyr Tydfil (Parish)	Glamorgan	19 June 1850	49,810	128,675	21 Vict. c. 12, and 28 & 29 Vict., Merthyr Tydfil Water Acts, 1858 and 1865.	
b Middlesborough (Borough)	York	14 Aug. 1855	19,000	84,000	Improvement Acts, 1841, 1856, 1858, and 1866; Water Acts, 1851, 1858, 1864.	Population now 32,000.
d Midgley (Township)	York	6 Mar. 1863	2,842	7,546		
a Mileham (Parish)	Norfolk	8 Jan. 1850	546	4,361		
d Milverton (Parish)	Warwick	17 Sept. 1859	1,366	12,995		
a Mistley (Parish)	Essex	21 May 1855	1,539	—		
d Mold (Township)	Flint	19 Jan. 1859	3,753	9,201		
d Mold Green (District)	York	12 Mar. 1859	7,000	16,107		
d Monk Bretton (Township)	York	23 May 1863	1,918	8,569		
d Monks Coppenhall (Township)	Chester	29 Oct. 1859	8,159	30,000		
d Morley (Township)	York	5 April 1862	7,821	26,145		
b Morpeth (Borough and Parish)	Northumberland	7 Aug. 1851	5,000	17,177		
d Mossley (District)	Lancaster, York, and Chester.	25 Feb. 1864	13,000	29,000		
b Moss-Side (Township)	Lancaster	23 June 1856	2,695	20,154		
a Nantwich (Township)	Chester	24 Sept. 1850	6,225	12,711		
d Nelson (District)	Lancaster	7 Nov. 1864	4,000	6,774		
d Nether Thong (Township)	York	26 April 1862	1,097	2,921		

c Newark-on-Trent (Borough) -	Nottingham - -	24 July 1851	11,562	34,569	The Newark Improvement Act, 1851; The Newark Gas Act, 1866.	
b Newbury (Borough) - -	Berks - - -	30 June 1852	6,161	17,690	6 Geo. 4 (1825), Lighting and Watching Act -	This is partially repealed by the Provisional Order and Confirming Act applying Public Health Act.
b Newcastle-under-Lyme (Borough)	Stafford - - -	15 Aug. 1850	12,700	28,259	- - - - - - - - - -	No such Acts as those referred to are in force.
b Newmarket (District) - -	Cambridge - -	7 Aug. 1851	6,000	17,943		
b Newnham (Parish) - - -	Gloucester - -	10 Sept. 1863	1,311	6,929		
a Newport (Borough) - -	Monmouth - -	15 July 1850	23,249	84,172	Parts of 7 Geo. 4, c. 6, Improvement Act, 1826; The Monmouthshire Canal Act, 1792, and The Monmouthshire Canal Extension Act, 1797, and several subsequent Acts; The Newport Dock Act, 1835; Newport Harbour Act, 1836; Newport Corporation (Marshes) Act, 1855; Newport Gas Acts, 1843 and 1855; Newport Waterworks, 1846; Newport and Pillgwenlly Waterworks, 1854.	
d Newsome (District) - - -	York - - -	9 Sept. 1862	4,500	—		
a Newton Heath (Township) -	Lancaster - -	29 Dec. 1853	14,000	35,664		
d Newton-in-Mackerfield (District)	Lancaster - -	4 Dec. 1863	6,000	27,834		
d Normanby (District) - -	York - - -	14 Sept. 1865	2,700	6,861		
a Northallerton (Township) - -	York - - -	5 May 1851	2,710	6,181		
d North Darley (Township) -	Derby - - -	15 June 1864	1,550	6,171		
d Northwich (Township) - -	Chester - - -	25 June 1863	1,190	3,760		
b Norwich (Corporate District of City).	Norfolk - - -	7 July 1851	74,891	168,580	12 Geo. 1, c. 15, and 2 & 3 Vict. c. 62, Tonnage Acts; 29 & 30 Vict. c. 267, Port and Haven (Yarmouth) Act; 18 & 19 Vict. c. 70, Public Libraries Act; The Public House Closing Acts; 23 Vict. c. 34, and 25 Vict. c. 3, Market Acts; 13 & 14 Vict. c. 52, and 16 Vict. c. 38, Waterworks Acts; 21 & 22 Vict. c. 79, Gas Act.	
d Nottingham (Borough) - -	Nottingham - -	2 April 1859	74,693	256,547	The Public Baths and Washhouses Act; The Public House Closing Act; 36 Geo. 3, an Act for maintaining a Road; a Cemetery Act; an Inclosure Act (July 1839); an Allotment Act, 13 Vict. c. 1; an Inclosure Act, 3 Vict. c. 28; an Inclosure Act, 8 & 9 Vict.; The Waterworks Act, 1854, and the previous Acts relating to these works; The Gas Act, 1864, and the previous Acts relating to that undertaking.	In addition to the said Acts, there are several Railway and Canal Acts, and a Turnpike Road Act, which are not particularised, as they do not relate exclusively to the Borough.
a Nuneaton (Parish) - - -	Warwick - -	13 July 1850	7,641	19,020		
d Okehampton (District) - -	Devon - - -	6 Jan. 1864	1,500	2,779		
b Oldbury (District) - - -	Worcester - -	9 Mar. 1857	20,000	45,887		
d Openshaw (Township) - -	Lancaster - -	4 Dec. 1863	10,241	28,421		
a Ordsall (Parish) - - -	Nottingham - -	8 Jan. 1850	1,342	—		
d Ormesby (District) - - -	York - - -	13 July 1865	2,545	7,707		

RETURN of Districts where "The Public Health Act, 1848," or "The Local Government Act, 1858," or both of them, are in Force, &c.—*continued.*

NAME OF DISTRICT OR PLACE.	COUNTY.	Date of Adoption of Act.	Population in 1861.	Rateable Value of District.	Public, Local and Personal, or Private Acts in Force, and the Date thereof.	REMARKS.
				£.		
a Ormskirk (Township) - -	Lancaster - -	13 July 1850	6,426	10,685		
d Oswaldtwistle (Township) -	Lancaster - -	11 May 1863	9,246	22,427		
d Oswestry (Borough) - -	Salop - - -	26 Feb. 1863	5,414	15,584		
d Otley (Township) - - -	York - - -	21 April 1864	4,722	12,500		
a Ottery St. Mary (Parish) -	Devon - - -	13 July 1850	4,340	16,078		
d Ovenden (District) - - -	York - - -	16 June 1865	7,564	17,172		
b Over Darwen (District) - -	Lancaster - -	31 July 1854	16,492	35,366		
d Oxford (District) - - -	Oxford - - -	1 July 1864	27,560	131,463	18 & 19 Vict. c. 70, Public Libraries Act 1855; 9 & 10 Vict. c. 74, Baths and Washhouses Act, 1846.	
d Oxton (District) - - -	Chester - - -	6 Mar. 1863	2,670	—		
d Paington (Parish) - - -	Devon - - -	25 July 1863	3,090	17,264		
d Panteg (Parish) - - -	Monmouth - -	8 July 1864	2,828	10,057		
d Parr (District) - - -	Lancaster - -	7 June 1865	- -	12,465	- - - - - - - - - -	Population not known.
d Pennington (District) - -	Lancaster - -	24 Sept. 1863	6,000	13,439		
b Penrith (Parish) - - -	Cumberland - -	25 June 1851	7,946	36,772		
a Penzance (Borough) - -	Cornwall - -	5 Sept. 1849	9,414	29,749	37 Geo. 3, c. 31, an Act for fixing Dues on Goods Landed, &c.; 3 & 4 Vict. c. 72, an Act to amend the former; the Public House Closing Act, 1864.	
d Pickering (Township) - -	York - - -	8 Aug. 1863	3,250	12,962		
b Plymouth (Borough) - -	Devon - - -	31 July 1854	63,414	152,321	6 Anne, Guardians of the Poor Incorporation Act, and various Acts amending the same; the Mill Bay Pier Act, 1840; the Plymouth, Devonport, and Stonehouse Hackney Coach and Boats Regulation Act, 1843; Gas Act, 1845; Great Western Dock Act, 1846, and Acts amending the same; the Sutton Harbour Improvement Act, 1847; Public House Closing Act, 1864.	
d Pontypool (District) - -	Monmouth - -	14 July 1863	6,525	11,483		
d Portsmouth (Borough) - -	Hants - - -	28 Sept. 1863	94,799	235,750	9 & 10 Vict. c. 108, An Act for making a Pier; 1 & 2 Geo. 4, c. 73, and 24 & 25 Vict. c. 121, Gas Acts; 2 & 3 Vict. c. 72, Enlarging Quay and Improving Harbour; 22 & 23 Vict., making a Dock at Camber. There is also an Act, some 25 or 30 years old, for making a Floating Bridge between Portsmouth and Gosport. Date and title of it not known.	
a Poulton, Bare, and Torrisholme (Township).	Lancaster - -	15 May 1852	2,337	8,304		

b Preston (Borough) - - -	Lancaster - -	14 Aug. 1850	82,985	175,000	55 Geo. 3, c. 22, a Paving and Lighting Act; 2 Will. 4, c. 27, a Water Supply Act; 6 Vict. c. 32, an Act extending the Powers conferred by the last Act; 16 & 17 Vict. c. 48, Waterworks Act, 1853; 24 & 25 Vict. c. 7, Corporation Markets Act.	Partially repealed by Order in Council, 10th June 1850.
d Queensbury (District) - -	York - - -	15 Dec. 1864	7,000	10,991		
d Quick Mere (Middle Division)	York - - -	28 April 1864	3,500	9,187		
d Quorndon (Township) - -	Leicester - -	1 Mar. 1864	1,622	8,754		
d Ramsbottom (Parish) - -	Lancaster - -	13 Mar. 1864	7,000	12,315		
d Ramsgate (Parish) - - -	Kent - - -	8 July 1864	11,944	56,640	5 Geo. 3, c. 75, a Lighting, &c. Act; 7 & 8 Geo. 4, c. 32, an Act for separating the Village of Ramsgate from the Parish of St. Lawrence, and making same a distinct Parish; 5 Will. 4, c. 6, a Water Supply Act; 1 & 2 Vict. c. 70, a Paving and Lighting Act, &c.	
d Rastrick (Township) - -	York - - -	6 Mar. 1863	4,516	12,972		
d Ravensthorpe (District) - -	York - - -	18 June 1864	1,800	6,370		
b Reading (Borough) - -	Berks - - -	15 Aug. 1850	25,045	90,054	7 Geo. 3, c. 33; 5 & 6 Will. 4, c. 99; 14 & 15 Vict. c. 70, Water Acts; 7 Geo. 4, c. 56, Paving, &c.; 5 & 6 Vict. c. 109 and 14 Vict. c. 9, Cemetery Acts; 13 & 14 Vict. c. 42 and 16 Vict. c. 39, Market Acts; 25 & 26 Vict. c. 84, Gas Act.	2 & 3 Vict. c. 40 is a Private Act enabling the mayor, &c. to sell certain real estates, and to invest the purchase monies thereof in other real estates.
a Redcar (Township) - - -	York - - -	21 July 1855	1,330	4,901		
d Redditch (District) - - -	Worcester - -	1 Feb. 1859	5,725	15,138		
a Redruth (Parish) - - -	Cornwall - -	13 June 1853	11,504	24,427		
d Reigate (Borough) - - -	Surrey - - -	4 Oct. 1865	9,975	65,414		
a Retford, East (Borough) - -	Nottingham - -	8 Jan. 1850	2,982	7,819		
a Retford, West (Parish) - -	Nottingham - -	8 Jan. 1850	637	4,415		
d Rhyl (District) - - -	Flint - - -	8 May 1865	4,500	14,201		
d Ripon - - - - - -	York - - -	13 Oct. 1863	6,200	22,459	The City of Ripon Act, 1865 - - - -	This Act was to enable the Council to purchase Gasworks, and to remove doubts as to the style of the Municipal District and its Body Corporate.
d Rishworth (Township) - -	York - - -	22 Dec. 1862	1,200	3,064		
d Roath (District) - - -	Glamorgan - -	16 June 1859	4,000	11,742		
b Romford (District) - - -	Essex - - -	7 Aug. 1851	4,759	18,963		
b Rotherham and Kimberworth (Townships).	York - - -	30 June 1852	19,000	62,003	41 Geo. 3, a Market Act, Gas Light Act, 1855; Local Board of Health Act, 1863, a Market and Waterworks Act.	The Market Act is partially repealed by the Provisional Order applying the Public Health Act to District.
d Roxby-cum-Risby (Parish) -	Lincoln - - -	23 April 1863	348	6,365		
d Royton (Township) - -	Lancaster - -	16 Oct. 1863	7,489	15,798		
a Rugby (District) - - -	Warwick - -	5 Sept. 1849	7,818	42,255	The Rugby Waterworks Act, 1863; 3 & 4 Will. 4, c. 90, so far as Public Lighting, the Burial Acts.	

C

RETURN of Districts where "The Public Health Act, 1848," or "The Local Government Act, 1858," or both of them, are in Force, &c.—*continued.*

NAME OF DISTRICT OR PLACE.	COUNTY.	Date of Adoption of Act.	Population in 1861.	Rateable Value of District.	Public, Local and Personal, or Private Acts in Force, and the Date thereof.	REMARKS.
				£.		
d Rugeley (District)	Stafford	29 July 1865	3,800	7,748		
d Runcorn (Township)	Chester	22 July 1863	10,700	31,390	The Runcorn Improvement Act, 1852; 15 Vict. c. 68.	
d Rusholme (District)	Lancaster	11 Feb. 1851	6,400	39,000		
d Ruskington (Parish)	Lincoln	1 Mar. 1864	1,087	5,641		
d Ruthin (Borough)	Denbigh	2 Apr. 1859	3,500	9,719		
d Ryde (Town)	Hants	10 Nov. 1859	9,269	44,655	The Ryde Improvement Act, 1854; 17 & 18 Vict. c. 83.	
d Ryton (Parish)	Durham	24 Apr. 1863	2,510	13,430		
d Saffron Walden (Borough)	Essex	17 Nov. 1864	5,474	21,062		
d St. Austell (District)	Cornwall	5 Dec. 1864	4,000	7,801		
d St. Columb (District)	Cornwall	8 Sept. 1865	1,200	2,000		
c St. Helen's (District)	Lancaster	7 Sept. 1851	18,866	54,047	The St. Helen's Improvement Act, 1855.	About 2,000 *l.*, not yet apportioned.
d St. Leonard's (District)	Sussex	9 May 1865	3,000	21,821		
a St. Thomas the Apostle (Parish)	Devon	6 Oct. 1849	4,533	16,400		
b Salisbury (Borough)	Wilts	30 June 1852	12,278	30,302	55 Geo. 3, c. 23 (for better Paving, Lighting, and Watching, &c.)	Except sections 7 to 85, both inclusive, which have been repealed by Provisional Order in 1852.
d Sandbach (Township)	Chester	3 Apr. 1862	4,987	16,556		
b Sandgate (District)	Kent	14 Aug. 1850	1,500	6,521		
d Sandown (District)	Hants	25 Aug. 1860	3,000	6,418		
d Sandwich (District)	Kent	30 Dec. 1859	3,000	7,685		
d Scammonden (Township)	York	5 Aug. 1862	1,010	2,174		
d Scarborough (Borough)	York	25 June 1859	18,337	111,994	45 Geo. 3, c. 94, an Improvement Act; the Public House Closing Act, 1864; 8 Vict. c. 68, and 26 & 27 Vict. c. 11, Water Acts; 14 & 15 Vict. c. 14, and 22 Vict. c. 26, Gas Acts; 27 & 28 Vict. c. 68, Valley Bridge Company's Act.	Partially repealed.
d Scholes (Hamlet)	York	18 Aug. 1862	1,500	—		
d Seghill (Township)	Northumberland	6 Mar. 1863	2,000	6,164		
a Selby (Parish)	York	14 Apr. 1851	5,424	15,701		
d Shanklin District	Hants	23 Apr. 1863	900	3,787		
b Sheerness (District)	Kent	1 Aug. 1849	13,000	23,117		

d Sheffield (Borough)	York	20 Aug. 1864	185,157	529,000	Public Libraries Act; Public House Closing Act; Sales of Gas Act; Weights and Measures Act; Police and Borough Superannuation Fund, 22 & 23 Vict. c. 32; Bridges and Streets Act, 25 Vict. c. 49; Gas Acts, 1855 and 1866; Waterworks Acts, 16 & 17 Vict. c. 22; 23 & 24 Vict. c. 70; 27 & 28 Vict. c. 324; 29 & 30 Vict., Sess. 1866.	
d Shelf (Township)	York	23 Apr. 1863	3,063	6,630		
d Shelley (Township)	York	30 May 1862	2,000	3,535		
d Shepley (Township)	York	26 Apr. 1860	1,432	3,418		
b Sherborne (District)	Dorset	7 Aug. 1851	5,500	10,243		
a Shipley (Township)	York	21 Feb. 1853	7,098	26,023		
a Shirley (District)	Hants	21 Feb. 1853	4,941	14,455		
c Shrewsbury (Borough)	Salop	23 July 1855	22,163	77,000	18 & 19 Vict. c. 178, Improvement Act, 1855.	
d Sidmouth (Parish)	Devon	11 May 1863	3,354	11,129	2 & 3 Vict., 1839, Market Act; 9 Vict., 1846, Market Amendment Act.	
d Silsden (Township)	York	6 Mar. 1863	2,569	5,410		
d Sittingbourne (Town)	Kent	11 Apr. 1863	4,301	10,983		
d Skelmanthorpe (Township)	York	27 Aug. 1862	3,002	4,238		
d Skipton (Township, part of)	York	11 May 1858	6,000	9,119		
d Slaithwaite (Township)	York	25 June 1862	2,954	6,312		
a Sleaford, New (Parish)	Lincoln	13 Nov. 1850	3,745	11,898		
d Slough (District)	Buckingham	11 July 1863	4,000	15,284		
d Smallthorne (District)	Stafford	12 Jan. 1864	2,500	2,700		
a Smethwick (District)	Stafford	22 Apr. 1856	13,360	58,005		
d Soothill Nether (District)	York	18 Dec. 1862	4,028	8,341		
d Soothill, Upper (Hamlet)	York	17 Dec. 1862	2,210	10,839		
b Southampton	Town and County of Town.	15 Aug. 1850	46,960	156,679	Improvement Acts, 43 Geo. 3, 50 Geo. 3; Pier Act, 2 Will. 4; 13 Geo. 3, Poor and Highway Act; Water Act, 7 Will. 4; 8 Vict., Marsh and Commons Act; 8 Vict., Paving Act; 8 Vict., amending 43 & 50 Geo. 3; 13 Vict. (extending 7 Will.); 13 & 14 Vict. (extending 7 Will.); 26 & 27 Vict., an Act consolidating Local Acts; 28 & 29 Vict., Markets Act.	
d South Blyth (District)	Northumberland	14 Mar. 1863	2,262	5,418		
d South Darley (Parish)	Derby	23 Apr. 1863	560	3,197		
d South Hornsey (District)	Middlesex	20 June 1865	6,500	27,753		
d Southport (Town)	Lancaster	31 Oct. 1860	10,097	—		
b South Shields (Borough)	Durham	8 July 1853	35,239	83,961	- - - - - - - - -	List of Acts in force said to be preparing, but not received.
d South Stockton (District)	York	8 Aug. 1863	5,067	8,754		
d Southwick (Township)	Durham	6 Mar. 1863	6,000	10,086		
b Sowerby Bridge (District)	York	23 June 1856	5,384	21,463		
d Soyland (Township)	York	10 Jan. 1863	3,373	8,278		
d Spennymoor (District)	Durham	26 July 1864	3,500	4,549		
d Stalybridge (Borough)	Lancaster	22 Sept. 1863	24,921	75,078	9 Geo. 4, c. 26, Paving and Lighting Act.	
d Stockport (Borough)	Chester and Lancaster	10 Sept. 1863	54,681	- - -	- - - - - - - - -	Four applications have been made for information, but no notice was taken.

RETURN of Districts where "The Public Health Act, 1848," or "The Local Government Act, 1858," or both of them, are in Force, &c.—*continued.*

NAME OF DISTRICT OR PLACE.	COUNTY.	Date of Adoption of Act.	Population in 1861.	Rateable Value of District.	Public, Local and Personal, or Private Acts in Force, and the Date thereof.	REMARKS.
				£.		
c Stockton-on-Tees (Borough)	Durham	25 May 1852	13,357	45,335	Improvement Act, 1852; Tees Conservancy Acts, 15 & 16 Vict. c. 162; 17 & 18 Vict. c. 195; 21 & 22 Vict., 1858; 26 & 27 Vict. c. 144; Waterworks Acts, 14 & 15 Vict. c. 90; 17 Vict. c. 70; 21 & 22 Vict. c. 133; 27 & 28 Vict. c. 110. Gasworks Acts; 20 & 21 Vict. c. 52; 29 & 30 Vict. c. 106.	
d Stoke-on-Trent (District)	Stafford	3 Sept. 1862	13,100	33,850	2 & 3 Vict. c. 44, an Act for Establishing an Effective Police in the District called the Staffordshire Potteries.	
d Stourbridge (Township)	Worcester	30 Apr. 1861	8,783	20,125	Improvement Act, 1866, Incorporating various Public and General Acts.	
b Stratford-on-Avon (Borough and Parish).	Warwick	15 July 1850	6,667	28,365	Stratford Gas Act, 1857, 20 & 21 Vict. c. 67.	
a Street (Parish)	Somerset	8 Aug. 1853	1,647	7,879		
b Stroud (Parish)	Gloucester	9 Mar. 1857	7,500	16,929	Stroud Paving and Lighting Act, 6 Geo. 4, c. 6.	Certain sections of this Act were incorporated with Public Health Act, when applied to district.
c Sunderland (Borough)	Durham	3 July 1851	78,211	224,580	Two Turnpike Road Acts; a Bridge Act; a Waterworks Act; a Gas Act; Borough Act; River Wear Watch Act; Corporation Financial Act.	
d Sutton (Township)	Lancaster	7 Jan. 1864	9,223	47,782		
d Sutton Bridge (District)	Lincoln	27 July 1859	1,564	8,885		
a Swaffham (Parish)	Norfolk	30 Jan. 1850	3,558	14,542		
b Swansea (Borough)	Glamorgan	14 Aug. 1850	41,893	126,607	Improvement Act, 1844, 7 & 8 Vict. c. 102; Local Board of Health, Waterworks Act, 1860, 23 & 24 Vict., Sess. 1860; Swansea Municipal Corporations Act, 1863 (26 Vict. c. 13.)	Population now exceeds 50,000. There are several Acts relating to the Conservancy of the Harbour, but it is presumed these are not required.
d Swindon New Town (District)	Wilts	13 Feb. 1864	4,167	13,411		
d Swindon, Old (District)	Wilts	21 June 1864	2,689	9,716		
d Tamworth (Borough)	Stafford and Warwick	6 May 1864	4,326	7,598		
d Tarporley (Parish)	Chester	6 Mar. 1863	2,632	12,516		
b Taunton (Borough)	Somerset	1 Aug. 1849	14,660	43,520	The Burials Act (in certain portions of district), 6 Geo. 3, 1768; 57 Geo. 3, 1817; 3 Will. 4, 1833; 3 Vict., 1840; Market Acts, 8 & 9 Vict. c. 67; 9 Vict. c. 15; 21 & 22 Vict. c. 52; Gas Acts.	
d Teignmouth (District)	Devon	5 Apr. 1859	5,975	19,042		
b Tenby (Borough)	Pembroke	7 Aug. 1851	3,000	12,513	1 Vict., an Improvement Act, and for the better regulation of the Harbour and Pier.	Almost entirely repealed by the Public Health Acts 1848 and 1858.

b Tewkesbury (Borough)	Gloucester	15 Aug. 1850	5,876	19,136	26 Geo. 3 c. 17, Street Improvement Act; 48 & 49 Geo. 3, an Inclosure Act.	Partially repealed by the Provisional Order applying the Public Health Act to the Borough.
d Thornhill (District)	York	23 April 1863	3,479	15,879		
d Thornton (District)	York	21 April 1865	4,811	9,635		
a Thurmaston (Parish)	Leicester	12 Dec. 1850	1,251	—		
d Thurstonland (Township)	York	8 Feb. 1862	1,116	3,298		
d Tickhill (District)	York	28 Sept. 1864	1,995	3,825		
a Tipton (Parish)	Stafford	21 May 1855	28,870	90,000		
d Todmorden (District)	Lancaster and York	29 April 1861	11,840	30,000		
b Tormoham (Parish)	Devon	15 Aug. 1850	16,400	83,069	5 & 6 Will. 4, c. 45, Lighting and Watching Act	Certain clauses incorporated with Provisional Order applying Public Health Act to District.
a Tottenham (Parish)	Middlesex	30 Jan. 1850	16,000	71,683		
d Tow Law (District)	Durham	1 Oct. 1863	3,850	7,263		
a Towyn (Parish)	Merioneth	5 May 1851	2,889	5,939		
b Toxteth Park (Rural District)	Lancaster	14 Aug. 1855	4,000	35,996	5 & 6 Vict. c. 105, and 21 Vict. c. 10.	
d Tranmere (Township)	Chester	16 Feb. 1860	9,607	50,846	Tranmere Improvement Act, 1862, 25 & 26 Vict.	
d Trawden (Township)	Lancaster	6 Mar. 1863	2,087	6,321		
d Tring (District)	Herts	15 June 1859	3,871	13,838		
d Trowbridge (District)	Wilts	9 June 1865	10,487	19,869		
d Tunbridge Wells (Town and District).	Kent and Sussex	5 July 1860	13,807	100,000	The Tunbridge Wells Improvement Act, 1846; Water Act, 1865; the Sewage Utilization Act, 1865.	
b Tunstall (Township)	Stafford	14 Aug. 1855	11,207	25,900	10 & 11 Vict. c. 252, a Paving and Lighting Act; 2 & 3 Vict. c. 15, the Stipendiary Justice Act.	
d Tyldesley-with-Shakerley (Township).	Lancaster	24 Sept. 1863	6,029	14,997		
b Tynemouth (Borough)	Northumberland	8 Aug. 1851	34,000	89,774	The Baths and Washhouses Act, 9 & 10 Vict. c. 74; the Burial Acts, 15 & 16 Vict. c. 85, 16 & 17 Vict. c. 134, 17 & 18 Vict. c. 87, 18 & 19 Vict. c, 79; 9 Geo. 4, c. 37, 1828, an Improvement Act; Improvement Act, 1866, 29 & 30 Vict. c. 101.	Adopted in 1853.
d Uckfield (Parish)	Sussex	12 Mar. 1859	1,740	4,720		
d Upperthong (Township)	York	3 April 1861	2,690	6,510		
b Uxbridge (District)	Middlesex	1 Aug. 1849	6,000	23,467		
d Ventnor (Town)	Hants	12 Feb. 1864	4,000	11,610	The unrepealed portions of the Ventnor Improvement Act, 7 & 8 Vict. c. 105.	
d Wadsworth (Township)	York	7 June 1862	4,141	10,895		
b Wakefield (Borough)	York	9 May 1853	23,350	72,360	Wakefield Borough Market Act, 1847; Wakefield Gas Act, 10 & 11 Vict. c. 199; Wakefield Waterworks Act, 1862, 25 & 26 Vict. c. 99.	The Gas and Waterworks Acts extend far beyond the Borough.
b Wallasey (District)	Chester	9 May 1853	10,723	49,112		
d Wallingford (Borough)	Berks	30 Nov. 1863	4,528	- -	- - - - - - - - - -	Three applications made for information, but no notice taken.
d Walmer (District)	Kent	21 Feb. 1865	3,275	8,961		
b Walsoken (Parish)	Norfolk	30 June 1852	2,683	9,793	Small Tenements Rating Act, 13 & 14 Vict c. 99; the Wisbech Waterworks Act, 27 & 28 Vict. c. 180.	Other Local and Personal Acts are in force within the District, but they do not affect its sanitary state. The rateable value to the General District Rate, is 3,885 *l.* 15 *s.*

RETURN of Districts where "The Public Health Act, 1848," or "The Local Government Act, 1858," or both of them, are in Force, &c.—*continued.*

NAME OF DISTRICT OR PLACE.	COUNTY.	Date of Adoption of Act.	Population in 1861.	Rateable Value of District.	Public, Local and Personal, or Private Acts in Force, and the Date thereof.	REMARKS.
				£.		
a Waltham Holy Cross (District)	Essex - - -	9 Mar. 1850	5,044	19,976		
d Walton-on-the-Hill (Township)	Lancaster - -	6 Mar. 1863	3,601	24,617		
a Wanstead (Parish) - - -	Essex - - -	8 June 1854	2,207	—		
b Ware (Town) - - - -	Herts - - -	1 Aug. 1849	4,882	17,000		
d Warley (Township) - - -	York - - -	10 Jan. 1863	6,482	19,487		
d Warrington (Borough) - -	Lancaster - -	10 Aug. 1865	26,431	67,555	Improvement and Market Act, 1854, 17 Vict. c. 8; the Burial Acts; the Public Libraries Act; the Act for regulating Measures used in Sale of Gas; and the Public-house Closing Act.	
d Warsop (Parish) - - -	Nottingham - -	14 July 1863	1,374	4,003		
a Warwick (Borough) - -	Warwick - -	5 Sept. 1849	10,589	41,465	5 & 6 Will. 4, c. 76; 11 & 12 Vict. c. 63; 21 & 22 Vict. c. 98.	Public Acts in force. There are no Local or Personal Acts in force in the Borough.
b Waterloo-with-Seaforth (District)	Lancaster - -	23 June 1856	4,500	35,057		
b Watford (District) - - -	Herts - - -	15 Aug. 1850	4,500	19,085		
a Wavertree (Township) - -	Lancaster - -	25 June 1851	5,392	46,425		
a Wednesbury (Parish) - -	Stafford - - -	26 Dec. 1851	22,000	59,252	The South Staffordshire Waterworks Act.	
d Wednesfield (Parish) - -	Stafford - - -	23 May 1863	8,553	23,908		
a Wellingborough (Parish) -	Northampton - -	24 Sept. 1855	6,382	20,744		
c Wellington (Town) - - -	Salop - - -	2 June 1854	5,576	13,780	Wellington Improvement Act, 1854.	
d Wells (City and Borough) -	Somerset - - -	25 Jan. 1859	4,637	11,525	19 Geo. 3, 1779, a Paving and Lighting Act; 19 Geo. 3, 1779, for Building a Town Hall and Market House, and regulating the Markets; 2 Geo. 4, 1821, an Improvement Act; 7th April 1832, a Gas Act; 4 & 5 Vict. c. 45, for regulating Markets.	
b Welshpool (District) - -	Montgomery - -	9 May 1853	3,490	—		
d Westbury-on-Severn (Parish) -	Gloucester - -	10 Sept. 1863	2,051	16,275		
b West Cowes (Township) - -	Hants - - -	7 Aug. 1851	4,786	—		
d West Derby (District) - -	Lancaster - -	22 Mar. 1850	16,215	125,051		
b West Ham (District) - -	Essex - - -	23 June 1856	38,331	136,375		
d West Hartlepool (Town) - -	Durham - - -	28 June 1859	16,000	51,293	Improvement Act, 1854, partially repealed by Local Government Supplemental Act, 1866; the Public-house Closing Act.	
d West Hove (District) - -	Sussex - - -	12 June 1865	—	—		
d Westleigh (District) - -	Lancaster - -	16 Oct. 1863	4,431	20,399		
d Weston-super-Mare (Parish) -	Somerset- - -	19 Oct. 1859	10,030	39,304	5 Vict. c. 20, and 14 & 15 Vict. c. 45, Improvement and Market Acts; Gas Act, 1855; Gas Act, 1861; Waterworks Act, 1853; Pier Act, 1862; and Pier Extension Act, 1864.	
b Weymouth (Borough) - -	Dorset - - -	7 Aug. 1851	11,383	39,867		
a Wheatley (Hamlet) - -	Oxford - - -	4 Nov. 1857	1,035	2,294		

d Whitchurch and Doddington (Townships).	Salop	22 Dec. 1860	4,000	16,000		
d Whitehaven (District)	Cumberland	15 Oct. 1863	19,300	33,257	12 Vict. c. 17, a Water Supply Act; 27 & 28 Vict., 1864, a Water Supply Act; 56 Geo. 3, c. 44, an Act for altering and enlarging the Powers of several Acts for Improving the Port and Harbour, &c.	
d Whitley, Upper (Township)	York	10 Dec. 1862	1,000	4,262		
d Whitwick (Parish)	Leicester	2 April 1864	3,759	9,526		
d Widnes (Township)	Lancaster	29 July 1865	6,905	29,936	- - - - - - - - - - -	Present population about 12,000.
b Wigan (Borough)	Lancaster	14 Aug. 1850	37,658	79,510	16 & 17 Vict., Waterworks Act, 1855; 23 & 24 Vict., Waterworks Act, 1860. The Public Health Act and the Local Government Acts, and the Acts incorporated therewith, are the only Public Acts in force in the Borough and District of Wigan.	There is a Gasworks Act in force, 24 & 25 Vict. c. 170; but the works belong to and are managed by a private Company.
b Willenhall	Stafford	31 July 1854	20,000	38,045		
d Willington Quay (District)	Northumberland	11 May 1863	4,200	—		
d Wilsden (Township)	York	10 April 1865	3,000	7,805		
a Wilton (Parish)	Wilts	28 Feb. 1855	1,930	3,552		
d Winchester (City)	Hants	1 May 1865	14,732	46,709	Public Libraries Act, 13 & 14 Vict. c. 65.	
d Windermere (District)	Westmorland	1 Nov. 1865	—	—		
b Windhill (District)	York	14 Aug. 1855	4,158	5,760		
b Windsor, New (Borough)	Berks	1 Aug. 1849	9,520	32,329	9 Geo. 3, c. 10, a Paving and Lighting Act; 47 Geo. 3, c. 8, an Act to extend and amend the preceding.	
d Winterton (Parish)	Lincoln	6 Mar. 1863	1,780	7,659		
b Wisbech (Borough)	Cambridge	30 June 1852	9,218	28,873	13 & 14 Vict. c. 99, Small Tenements Rating Act; 27 & 28 Vict. c. 180, Waterworks Act, 1864.	There are other numerous Local and Personal Acts in force for various objects, but not affecting the Borough in a sanitary point of view.
a Witham (Parish)	Essex	2 Feb. 1852	3,455	13,756		
d Witney (Township)	Oxford	24 Sept. 1863	2,989	5,091		
d Witton-cum-Twambrookes (Township).	Chester	17 Aug. 1863	3,677	8,647		
d Wiveliscombe (District)	Somerset	18 May 1865	2,000	2,915		
d Wolborough (Parish)	Devon	7 Jan. 1864	4,427	12,744	- - - - - - - - - -	There has been a considerable increase of population since 1861.
b Wolverhampton (Borough)	Stafford	14 Aug. 1850	60,858	188,809	The Improvement Act of 1863, 16 Vict. c. 28; The Sales of Gas Act, 22 & 23 Vict. c. 66.	
d Wombwell (Parish)	York	19 July 1865	3,747	26,328		
d Wooldale (Township)	York	16 Nov. 1864	5,423	8,391		
b Woolwich (Parish)	Kent	30 June 1852	41,695	80,039	47 Geo. 3, c. 111, Paving, &c.; 48 Geo. 3, c. 146, Water and Markets; Water Acts, 49 Geo. 3, c. 189, 51 Geo. 3, c. 145, 13 & 14 Vict. c. 69, 15 & 16 Vict. c. 84, 23 Vict. c. 78, 25 Vict. c. 45, 27 & 28 Vict. c. 96; Gas Acts, 18 Vict. c. 2, 18 & 19 Vict., 1855.	

RETURN of Districts where "The Public Health Act, 1848," or "The Local Government Act, 1858," or both of them, are in Force, &c.—*continued.*

NAME OF DISTRICT OR PLACE.	COUNTY.	Date of Adoption of Act.	Population in 1861.	Rateable Value of District.	Public, Local and Personal, or Private Acts in Force, and the Date thereof.	REMARKS.
				£.		
a Worcester (City)	Worcester	1 Aug. 1849	31,227	105,780	2 & 3 Anne, c. 8, – Geo. 2, c. 23, 4 Geo. 2, c. 25, relating to Hop Market; 6 Geo. 4, c. 69, Water Act; 7 Will. 4, c. 58, Markets Act.	Special Acts are in force relating to Canals, Turnpike Roads, Gas, Workhouse, County Gaol, Cemetery, Bridges, County Hall, Infirmary, and probably some others.
d Workington (District)	Cumberland	10 Feb. 1864	6,000	11,031	Workington Harbour Act, 3 & 4 Vict. c. 44; Workington Harbour Act, 1864; The Workington Improvement Act, 3 & 4 Vict. c. 45.	
b Worksop (Parish)	Nottingham	30 June 1852	8,371	42,755	The Worksop Gas Act, 1856.	
b Worthing (District)	Sussex	30 June 1852	5,870	25,927	1 & 2 Geo. 4, c. 59, an Act to repeal two existing Acts, and to make further provision for the Improvement of the Town.	Some of the clauses of this Act are repealed by the Provisional Order applying Local Government Act to District.
d Wrexham (Borough)	Denbigh	1 Mar. 1859	7,562	17,753	The Burial Acts.	
d Wrotham (District)	Kent	23 May 863	3,355	17,290		
b Yarmouth, Great (Town)	Norfolk	7 Aug. 1851	27,000	48,000	The Public-house Closing Act, and the Burial Acts.	There are a large number of Local Acts in the Borough, such as Haven Bridge, Pier, Wharf, and Fish Acts; but it is presumed the dates and titles of these will be of little use.
d Yeadon (Township)	York	6 Mar. 1863	4,259	11,182		
d Yeardsley-cum-Whaley (Township).	Chester	21 Aug. 1863	1,050	4,029		
a Ynyscynhaiarn (Parish)	Carnarvon	3 Feb. 185–	3,138	5,900		
b York (City)	York	15 July 1850	40,433	134,758	5 Geo. 2, c. 33, 33 Geo. 3, c. 99, 41 Geo. 3, c. 115, Navigation of Ouse Acts; 6 Geo. 4, c. 127, Lighting, &c.; 3 Will. 4, c. 62, improving Markets; 3 & 3 Vict. c. 61, for Street Improvements; 9 & 10 Vict. c. 122, Street Improvements; 10 & 11 Vict. c. 205, Building a Bridge; 22 Vict. c. 19, an Improvement Act; 23 Vict. c. 19, Bridge Act; 9 Vict. c. 17, Waterworks Act; 7 & 8 Vict. c. 74, Gas Act; 16 & 17 Vict. c. 56, Drainage and Sanitary Improvement Act.	

PUBLIC HEALTH AND LOCAL GOVERNMENT ACTS.

RETURN of Districts where "The Public Health Act, 1848," or "The Local Government Act, 1858," or both of them, are in Force; of the Date when such Act or Acts were adopted; and (as far as practicable) the Population according to the Census of 1861, and the Rateable Value in each Case; and, of the Districts or Places where any Public Act relating to such District or Place, or any Local and Personal, or Private Act is in Force; &c.

(*Mr. Powell.*)

Ordered, by The House of Commons, *to be Printed,*
22 *February* 1867.

80.

Under 4 *oz.*

PUBLIC HOUSE CLOSING ACT (1864).

RETURN to an Address of the Honourable The House of Commons, dated 14 June 1866;—*for*,

"RETURN of the TOWN COUNCILS, BOARDS of COMMISSIONERS, and LOCAL BOARDS, which have adopted the PUBLIC HOUSE CLOSING ACT of 1864, with the Date of its Adoption, and the Population of each Town and District in which it has been adopted."

Whitehall, 12 March 1867. } BELMORE.

RETURN of the TOWN COUNCILS, BOARDS of COMMISSIONERS, and LOCAL BOARDS of HEALTH which have adopted the PUBLIC HOUSE CLOSING ACT, 1864, with the date of its Adoption, and the Population of each Town and District in which it has been adopted, to the end of the Year 1866.

Town Council, Board of Commissioners, or Local Board of Health.	Place.	Date of Adoption.	Population.
Town Council	Manchester	28 Sept. 1864	338,722
" "	Preston	29 Sept. "	82,985
" "	Great Yarmouth	4 October "	34,810
" "	Birmingham	11 October "	296,076
" "	Brighton	19 October "	77,693
" "	Salford	31 October "	102,449
" "	Liverpool	31 October "	443,938
" "	Scarborough	4 Nov. "	18,377
Improvement Commissioners	Sittingbourne	8 Nov. "	4,301
Town Council	Middlesbro'	9 Nov. "	18,992
" "	Macclesfield	8 Dec. "	36,101
" "	Bradford	12 Dec. "	106,218
" "	Henley	15 Dec. "	3,419
" "	Hereford	22 Dec. "	15,585
" "	Penzance	27 Dec. "	9,414
" "	Walsall	28 Dec. "	37,760
Improvement Commissioners	Bingley	4 January 1865	5,238
Town Council	Sunderland	4 January "	78,211
" "	Bolton	11 January "	70,395
" "	Plymouth	11 January "	82,599
" "	Kingston-upon-Hull	12 January "	97,661
" "	Halifax	20 January "	37,014
" "	Wenlock	22 January "	19,699
" "	Oldham	1 February "	72,333
" "	Bodmin	3 February "	4,466
" "	Grimsby	6 February "	11,067
" "	Devonport	13 February "	50,440
" "	Bristol	14 February "	154,093
Improvement Commissioners	West Hartlepool	14 February "	12,603
" "	Huddersfield	1 March "	34,877
Town Council	Stockport	11 March "	54,681
" "	Penryn	20 March "	4,760
" "	Nottingham	27 March "	74,693
" "	Hartlepool	11 April "	12,245
" "	South Shields	22 April "	35,239
" "	Blackburn	26 April "	63,126
" "	Stockton-on-Tees	5 May "	13,357
Improvement Commissioners	Ramsgate	9 May "	11,865
Town Council	Sheffield	10 May "	185,172
" "	Dewsbury	16 May "	18,148
" "	Southampton	17 May "	46,960
" "	Chester	19 July "	31,110
" "	Warrington	24 July "	26,431
" "	Norwich	29 August "	74,891
" "	Bath	9 Nov. "	52,528
" "	Leominster	9 Nov. "	5,658
" "	Ashton-under-Lyne	9 May 1866	34,886
Local Board of Health	Allerton (Yorkshire)	11 May "	2,014
" "	Selby	15 May "	5,271
" "	Batley	5 June "	7,206
" "	Castleford	14 June "	3,876
Town Council	Portsmouth	13 August "	94,799
" "	Rochdale	31 October "	38,114
Local Board of Health	Heywood	26 December "	12,824

PUBLIC HOUSE CLOSING ACT (1864).

RETURN of the Town Councils, Boards of Commissioners, and Local Boards of Health which have adopted the Public House Closing Act, 1864, with the date of its Adoption, and the Population of each Town and District in which it has been Adopted.

(*Mr. Whitworth.*)

Ordered, by The House of Commons, *to be Printed,*
13 *March* 1867.

TELEGRAPHIC COMMUNICATION.

RETURN to an Order of the Honourable The House of Commons, dated 2 April 1867;—*for*,

COPY "of TREASURY MINUTE, dated the 10th day of January 1867, relative to TELEGRAPHIC COMMUNICATION between the UNITED KINGDOM and its DEPENDENCIES."

Treasury Chambers, 2 April 1867.

GEORGE WARD HUNT.

TREASURY MINUTE, dated 10 January 1867.

THE First Lord of the Treasury and the Chancellor of the Exchequer call the attention of the Board to the important question in regard to the extension of telegraphic communication which is likely to arise in consequence of the success which has attended the submerging of the Atlantic Cable of 1866, and the recovery and completion of that attempted to be laid in 1865.

It has already been intimated to Her Majesty's Government that it is in contemplation to form a Company for the purpose of laying a line of telegraph between this country and Gibraltar, and from thence to Malta. Between Malta and Alexandria there is already telegraphic communication by means of the Malta and Alexandria Telegraph Cable belonging to Her Majesty's Government, which is at present agreed to be leased for a term of 42 years to the Telegraph Construction and Maintenance Company. The lease it is intended should be transferred to the new company, as well as the land line between Alexandria and Suez, originally belonging to the Red Sea Line, but now the property of the "Telegraph to India Company." From some point on the Red Sea to which a land line will be laid, it is stated that the new Company will lay a telegraph cable to Aden, and from thence to Kurrachee, where the telegraph will become connected with the land lines of the Indian Government, which extend as far as Rangoon. From Rangoon it is proposed to carry a cable to Singapore, and from that place cables to China and Japan *viâ* Saigon, and Australia *viâ* Java and Copang.

Two other schemes for the extension of telegraphic communication beyond Rangoon have also been brought under the notice of Her Majesty's Government, namely, one by Mr. F. Gisborne, which involves, however, financial assistance on the part of the Government; and another by Mr. Seymour Clarke, for "a line of telegraph from Rangoon, through the kingdom of Siam to Singapore, from Malacca through Sumatra, Java, &c., to Australia, with a branch from Tavoy through Bangkok to Saigon, and thence, on the approval of France, through Cochin China to China Proper."

As, in the opinion of the Earl of Derby and the Chancellor of the Exchequer, the establishment between this country and India of an alternative line of telegraphic communication with that *viâ* the Persian Gulf, and the extension of such line to China and Japan on the one hand, and to the Australian Colonies on the other, is of great importance, they submit to the Board whether some encouragement may not be given for the formation of a Company or Companies able and willing to carry out so desirable an object. They are, however, decidedly of opinion that, looking to the great advance that has, within the last few years, been made in the art of manufacturing, laying, and repairing submarine cables, thereby increasing the confidence of the public in the permanence of such undertakings, they would not be justified in proposing that any assistance, either by way of subsidy or guarantee, should be given to any Company which

may at the present time be formed for the purpose of establishing lines of telegraphic communication. They would, however, submit whether encouragement may not be afforded to Companies willing to lay lines of which the Government approve, by the Government causing surveys, where none now exist, to be made of the route along which it may be proposed cables should be laid; by rendering assistance to such Companies when laying the cables, by means of any of Her Majesty's vessels, in the same manner as was recently afforded by Her Majesty's ship "Terrible," in the case of the Atlantic Cable; and by using the good offices of the British Government with any foreign Government upon whose territories it may be requisite to land cables, or to lay land lines.

In any arrangement to be entered into with a Company it should be distinctly stipulated, that while Her Majesty's Government claim no advantage as regard the rate of charge for Government messages, all messages transmitted by Her Majesty's Government shall have priority; and that in certain contingencies Her Majesty's Government should have the power of assuming possession of any telegraphic line upon payment of proper compensation.

My Lords entirely coincide in the opinions expressed by the Earl of Derby and the Chancellor of the Exchequer, and they will have them in view in the event of any arrangements being made with any Company or Companies for the purpose of laying telegraphic cables, or erecting land lines of telegraph. In the meanwhile, it appears to my Lords that it will be advisable to designate those lines of communication which they consider are most called for by Imperial and commercial interests, and towards the formation of which they are of opinion that the countenance and encouragement of Her Majesty's Government may properly be afforded in the manner indicated, viz.:—

Section A. Falmouth to Gibraltar.

1. A direct line between Falmouth, or some other point on the coast of England, and Gibraltar, without touching anywhere between those two points.

Section B. Gibraltar to Malta.

2. A line between Gibraltar and Malta, without touching at any intermediate point.

Section D. Suabin to Aden.
„ E. Aden to Kooria Mooria Islands.
„ F. Kooria to Muscat.
„ G. Muscat to Rass Jaub.
„ H. Rass Jaub to Kurrachee.

3. A line between some point on the Egyptian territories, to be hereafter decided, and Aden, and from thence to Kurrachee, touching at the various points which may be thought requisite.

Section K. Rangoon to Pulo Penang.
„ L. Pulo Penang to Singapore.

4. A line from Rangoon to Singapore, touching at Penang and other points, if deemed necessary.

Section M. Singapore to Batavia.
„ N. Java to Australia.

5. A line from either Singapore or Malacca, whichever point may be found most suitable, *viâ* Java, to some point on the coast of Australia, to be hereafter decided.

Section O. Singapore to Saigon river.
„ P. Saigon to Hong Kong.
„ Q. Hong Kong to Amoy.
„ R. Amoy to Shanghae.

6. A line from Singapore to Shanghae, touching at Hong Kong and other points, if deemed advisable, including Saigon, if the French Government concur in such a proceeding.

Section S. Shanghae to Yokohama.

7. A line from Shanghae to Japan.

With regard to the several proposed lines of telegraphic communication, my Lords are glad to find that, with some slight exceptions, the whole of the routes along which the lines in question would be laid have been examined, and the soundings completed sufficiently for telegraphic purposes, by the Admiralty, and marked in charts, the incomplete portions of the lines being between Java and Australia, of which about one-half has been sounded; between Saigon and Hong Kong, of which about one-half has been sounded, and the remainder is in progress; between China and Japan, of which about one-third has been sounded.

My Lords have now only to add that (whilst acting on the principles laid down for their guidance in the aforegoing Minute), they will be prepared to give their attentive consideration to any proposals which may be submitted to them for carrying out any of the schemes of telegraphic communication above adverted to, by parties who can adduce satisfactory proof of their possessing the necessary pecuniary means for carrying such undertaking into effect, whether by submarine cables, or, when circumstances will admit, by alternative land lines;

lines; and my Lords will make arrangements with the Admiralty so as to afford such parties the opportunity of inspecting the surveys referred to.

Transmit copy of this Minute to Sir F. Rogers, and request that in laying the same before the Earl of Carnarvon he will state to his Lordship, that my Lords, in laying down principles for their own governance in regard to the amount of encouragement which it may be deemed expedient on the part of the Imperial Government to afford towards the extension of telegraphic communication, have no wish to interfere with any arrangements, whether pecuniary or otherwise, which the Governments of any of the Australian Colonies may be inclined to enter into with any company or companies formed for the furtherance of the object in question.

Transmit copy of this Minute to Mr. Hammond, for the information of Lord Stanley; to Mr. Romaine, for the information of the Lords Commissioners of the Admiralty; to Mr. Merivale, for the information of the Secretary of State for India in Council; and to Mr. Farrer, for the information of the Board of Trade.

TELEGRAPHIC COMMUNICATION.

COPY of TREASURY MINUTE, dated 10th January 1867, relative to TELEGRAPHIC COMMUNICATION between the UNITED KINGDOM and its DEPENDENCIES.

(*Mr. Hunt.*)

Ordered, by The House of Commons, *to be Printed,*
2 *April* 1867.

188.

Under 1 *oz.*

THAMES CONSERVANCY.

GENERAL REPORT of the PROCEEDINGS of the CONSERVATORS of the RIVER THAMES, and an ACCOUNT of MONEYS RECEIVED and EXPENDED by them, for One Year, from the 1st day of January to the 31st day of December 1866.

(PRESENTED PURSUANT TO ACT OF PARLIAMENT.)

Ordered, by The House of Commons, *to be Printed*,
22 *July* 1866.

GENERAL REPORT of the PROCEEDINGS of the CONSERVATORS of the RIVER THAMES, for One Year, from the 1st day of January to the 31st day of December 1866.

THE Conservators have, during the year 1866, continued to carry into effect the Provisions of the Acts of Parliament relating to the Conservancy of the River Thames.

They have proceeded with the removal of shoals and other obstructions which interfered with the free navigation of the River, and they have laid down additional moorings, and kept in repair and efficiency those previously in existence.

The steamboat piers and ordinary landing-places under their control have been maintained, and a new steamboat pier has been erected at Kew.

Proceedings have been instituted against persons for throwing mud into the River, and against the owners of gas and chemical works for permitting gas refuse and offensive matter to pass into the River, and 77 convictions have been obtained.

The Thames Navigation Act of 1866, which received the Royal Assent on the 6th August, imposed on the Conservators the management of that part of the River which extends from Cricklade to Staines.

The Conservators immediately took measures to effect such repairs as were urgently required to keep open the navigation and preserve the course of the stream, and caused surveys of the River to be made to enable them to determine on the works of a permanent character which would be needful.

By the 52nd Section of the Act of 1866 the duty of scavenging the River was imposed upon the Conservators, and this has been carefully attended to.

Early in the current year, and as soon as the Conservators had obtained the necessary information, they caused notices to be served on the proper authorities at Oxford, Abingdon, Wallingford, Reading, Henley, Marlow, Cookham, Windsor, and Eton, requiring them to discontinue the flow or passage of sewage or any other offensive or injurious matter, into the River.

On the 6th December 1866 the election of four additional Conservators, under the provisions of the 7th and 8th Sections of the Act of 1866, was held at Oxford, and the following gentlemen were elected :—

Reverend J. C. Clutterbuck, of Long Wittenham.
Colonel E. W. Harcourt, of Nuneham Park.
Mr. J. K. Hedges, of Wallingford Castle.
Mr. C. H. Witherington, of Sonning.

Pursuant to the 90th Section of the Act of 1866, notices were given for an Act of Parliament to extend the provisions of the Act of 1866 to the River between Staines and the western limit of the Metropolis, and a Bill was prepared accordingly.

The Conservators met 201 times during the year for the despatch of business.

The accounts for the year 1866, which have been duly audited, are presented herewith.

Dated 15 July 1867.

Jonathan Thorp, Deputy Chairman.
Edward Burstal, Secretary.

AN ACCOUNT of MONEYS Received and Expended by the Conservators of the River Thames for the Year ending 31st December 1866.

Dr. *Cr.*

	£.	s.	d.
To Balance 31st December 1865	15,853	3	5
To Cash received for Tonnage Dues	23,223	17	4
To Cash received for Tolls	6,532	5	9
To Cash received for Pier Dues	5,371	8	9
To Cash received for Water and Canal Companies	2,550	–	–
To Cash received for Rents above Teddington	52	12	2
To Cash received for Rents for Accommodation	1,697	6	8
To Cash received for Fines for Accommodation	2,740	–	–
To Cash received for Ballast Licenses:			
Westward of London Bridge – £. 764 3 4			
Eastward of London Bridge – 639 5 –			
Royalty on Ballast – 299 5 5			
	1,702	13	9
To Cash Received for Dividends on Stock, 54,586*l.* 3*s.* 10*d.* Reduced Three per Cents.	1,675	19	4
To Cash received for Dividends on Stock, 2,226*l.* 7*s.* 6*d.* New Three per Cents.			
To Cash received for Raising and Removing Wrecks	155	–	1
To Cash received for Repairs to Moorings	636	16	4
To Cash received for Sale of old Chains and Material	751	8	9
To Cash received for Assessors' Fees	70	12	6
To Cash received for Interest on Banker's Balance	413	2	10
To Cash received for Damage to Craft	12	11	8
To Cash received on Account of Law Expenses	131	16	3
To Cash received for Materials raised from the River by the Dredgers, and supplied to the Contractors for the Thames Embankment, pursuant to 25 & 26 Vict. c. 93, s. 16, and Lighterage	1,591	17	11
To Cash received for the Sale of Materials raised by the Dredgers	450	10	3
To Cash received for Rent of Premises, No. 3, Savage gardens	188	10	–
To Cash received for Interest on Navigation Bonds	34	8	4
To Cash received for the Loan of a Dredger	611	18	–
To Cash received for Sale of Land at Long Ditton	150	–	–
£.	66,598	–	1

	£.	s.	d.	£.	s.	d.
By Cash, Salaries to Secretary and Clerks, 41, Trinity-square	1,657	10	–			
By Cash, Stationery and Postages for ditto	134	14	8			
By Cash, Wages to Housekeeper, Messengers, Rates, Taxes, and Coals	635	–	6			
				2,427	5	2
By Cash, Salaries to Engineer, Surveyor, Draughtsmen, Clerk and Wages to Watermen	1,597	–	2			
By Cash, Stationery for Engineer's Office and Expenses	86	7	8			
				1,683	7	10
By Cash, Salaries to Harbour Masters, Station Clerks, Wages to Watermen, Rent, Rates, and Taxes on Offices, and Repairs to Boats				4,503	3	7
By Cash, Salary to Foreman of Moorings, Wages to Workmen employed in Lighters, and at the Port of London Wharf				2,170	1	3
By Cash, Wages to Masters and Crews of Steam Dredgers, and Repairs to Vessels				4,433	2	1
By Cash for Lighterage of Materials raised by Dredgers				2,428	3	1
By Cash, Salaries to Collectors of Tonnage Dues, Tolls and Rents, and Wages to Lock-keepers				1,561	10	4
By Cash, Salaries to River Keepers and Inspectors and their Travelling Expenses				855	15	7
By Cash, Stores for Harbour Service				451	8	11
By Cash, Stones, Screws, Chains, and Buoys for Moorings, and Repairs				4,652	3	1
By Cash, Material and Wages to Labourers for Repairs to Locks, Weirs, and Towing-paths				3,409	16	5
By Cash, Material and Wages to Labourers for Repairs to Causeways and Foreshores				449	10	11
By Cash, Law and Parliamentary Expenses 1864-1865				2,967	15	2
By Cash, Raising and Removing Wrecks and Obstructions				783	17	–
By Cash, Pensions				836	–	10
By Cash, Erecting and Repairing Steamboat Piers				2,555	9	6
By Cash, Wages to Pier Masters and Men				2,353	–	–
By Cash, Interest on Navigation Bonds				4,233	14	9
By Cash, Wages and Expenses Dredging above Bridge				645	9	2
By Cash, Travelling Expenses on Surveys				325	17	5
By Cash, Allowance to the Conservators				1,200	–	–
By Cash, Sundry Donations and Expenses				403	15	3
By Cash, Assessors' Fees				156	10	–
By Cash, Purchase of Navigation Bonds				1,415	–	–
By Cash, Expenses of Elections				83	13	–
By Cash for Completion of Purchase of Premises, No. 3, Savage Gardens				8,239	16	5
By Cash for the Erection and Maintenance of Beacons				254	14	2
By Cash advanced on account of the Upper Navigation under the Thames Navigation Act of 1866, to be refunded under the provisions of that Act				4,345	6	9
By Cash paid Her Majesty's Commissioners of Woods and Forests, being one third of Rents 1865				969	15	4
By Cash paid Her Majesty's Commissioners being one third of Fines				403	6	8
By Cash paid Her Majesty's Commissioners being one third of Ballast Licenses:						
Westward of London Bridge	187	6	6			
Eastward of London Bridge	100	10	–			
				287	16	6
By Cash paid Her Majesty's Commissioners of Woods and Forests, being one third of Royalty on Ballast				27	16	4
By Balance carried forward £.				5,083	17	7
£.				66,598	–	1

We hereby certify that the above is a correct account of receipts and applications of moneys which have been received by the Conservators of the River Thames, for the Year ending 31st December 1866.

Jonathan Thorp, Deputy Chairman.
Edw. Barstal, Secretary.

Examined and approved,

18 June 1867. *T. J. Begent*, Auditor.

CAPITAL ACCOUNT.

	£.	s.	d.
To Cash borrowed on the security of Tolls on the Navigation of the River Thames, westward of London Bridge	119,100	–	–
£.	119,100	–	–

	£.	s.	d.
By Cash invested in Reduced Three per Cents.	54,586	3	10
By Cash invested in New Three per Cents.	2,226	7	6
By Cash in City Bank, being the amount received towards the expenses of replacing Blackfriars Pier	1,500	–	–
£.	58,312	11	4

Examined and approved,

18 June 1867. *T. J. Begent*, Auditor.

THAMES CONSERVANCY.

GENERAL REPORT of the Proceedings of the Conservators of the River Thames, and an Account of Moneys Received and Expended by them, for One Year, from 1 January to 31 December 1866.

(*Presented pursuant to Act of Parliament.*)

Ordered, by The House of Commons, *to be Printed,*
22 *July* 1867.

460.

Under 1 *oz.*

VACCINATION.

RETURN to an Address of the Honourable The House of Commons, dated 2 May 1867;—*for*,

"COPY of the MEMORIAL on the Subject of VACCINATION presented to the Lord President of the Privy Council on the 5th day of March last."

To his Grace the Duke of *Buckingham*, Lord President of Her Majesty's Privy Council.

The humble Memorial of the Anti-Compulsory Vaccination League,

Sheweth,

THAT small-pox was epidemic in this country previous to the introduction of inoculation at certain intervals, usually of seven years, the mortality from time to time varying from 3 to 130 per 1,000 of the number attacked.

That the practice of inoculation with the small-pox was introduced into this country from Turkey in the year 1722.

That an hospital for the reception of patients suffering from small-pox, and for propagating the same disease by inoculation, was established in London in the year 1746.

That after much controversy, the College of Physicians in London adopted inoculation in 1754, and "considered it highly beneficial to mankind."

That small-pox was kept constantly alive by means of inoculation, which for a lengthened period of time continued to provide new centres of contagion; and the mortality became very large, notwithstanding an improved mode of treatment.

That in 1798 the belief in the utility of inoculation with small-pox was greatly lessened; at which time Dr. Jenner published his "Observations on the Cow-pox," having vaccinated for the first time 14th May 1796.

That Dr. Jenner petitioned Parliament for a reward for his discovery in 1802, and affirmed his belief that "the annihilation of the small-pox must be the final result of the practice of vaccination." In the same year the House of Commons voted him 10,000 *l.* But many eminent members of the faculty thought the action of Parliament too precipitate.

That in 1803 the Royal Jennerian Society was formed, and a belief was cherished that small-pox was about to be exterminated.

That in 1807 the Royal College of Physicians reported that "the security derived from vaccination, if not absolutely perfect, is as nearly so as perhaps can be expected from any human discovery."

That in the same year the House of Commons, in Committee of Supply, voted an additional grant of 20,000 *l.* to Dr. Jenner; the motion of Mr. Shaw Lefevre to take more time to consider the Report of the College of Physicians being rejected, and the grant passed by 60 to 47.

That the National Vaccine Establishment was founded in 1808-9, and supported by an annual grant from the Public Purse, and the privilege of free post. The Reports issued annually from 1810 to 1860, vary considerably in the degree of confidence in which the suppression of small-pox is predicted.

That in 1833 a Committee of the House of Commons, appointed to enquire into the utility of the Vaccine Establishment, reported, that "The Committee are led to believe that the prejudices against vaccination are greatly on the decrease throughout the country; and that the authority of the Managing Board is not necessary to enable vaccination to withstand these prejudices."

That in 1840, inoculation for the small-pox was forbidden by Act of Parliament, and in that and the following year, Boards of Guardians were empowered to provide for the cost of vaccinating parishioners out of the poor rates.

That in 1853 an Act to extend and make compulsory the practice of vaccination was passed, notwithstanding the promise of the Government, that enquiry should

precede any further legislation on the subject; and the energetic protest of a large number of intelligent members of the faculty.

That in 1856 the medical officer of the Privy Council, addressing members of the medical profession, and referring to objections to the course of legislation, urged during the previous Session of Parliament, thus wrote: "The President of the Board of Health intends forthwith, on the meeting of Parliament, to move the House of Commons for a Select Committee on the entire subject, which Committée if appointed, would no doubt receive whatever evidence can be adduced as to the hygienic value of vaccination, and as to the validity of any medical objections alleged against its further encouragement by the State."

That in 1857 a Bill was introduced by private Members to repeal the Act of 1853, but not passed.

That measures to amend and extend the provisions of the Act of 1853 were subsequently passed.

That in 1863 the law enforcing vaccination was extended to Scotland and Ireland.

That large sums of public money are annually spent in the support of vaccination, so that by the operation of these and other measures, the continuance of such practice has now become a large vested interest.

That as a consequence, during the last Session of Parliament, a Bill to provide cumulative penalties for neglect of vaccination, and to empower certain officials to order re-vaccination at their pleasure, with several other oppressive provisions, was introduced into the House of Commons, but eventually withdrawn.

That a large number of petitions have been, from time to time, presented to Parliament against compulsory vaccination, and many from parents who alleged that they had lost children by death through the operation, and wished to give evidence respecting their cases, but these petitions have not been made public.

That before an impartial tribunal your memorialists are prepared to prove that there is a large and increasing scepticism as to the utility of vaccination in the country, justified by the fact that for some years past the proportion of vaccinated patients, when small-pox prevails, is 75 and 80 per cent.

That Dr. Jenner's theory, that the single cicatrix left by the pustule was an indication that the person was protected against the small-pox for life has been given up on all sides, and re-vaccination every seven, five, or three years is recommended, and that there should be not less than eight well-formed pustules.

That past promises of investigation have been disregarded, and an operation of doubtful efficacy has been forced on those persons who have conscientious objections to it, a mode of proceeding calculated to lessen the reverence which should be entertained for just laws.

Your Memorialists, therefore, humbly pray, that your Grace will have the goodness to advise Her Majesty to be pleased to issue a Royal Commission for the purpose of thoroughly and impartially investigating all the facts bearing on a question of such grave importance to Her Majesty's formerly free people.

And your Memorialists will ever pray, &c.

(signed) *Charles T. Pearce*, M.D., M.R.C.S., England.
J. Caplin, M.D., F.A.L.C.
Spencer T. Hall, M.D. (unregistered), PH.D., M.A.
John Skelton, M.R.C.S.
J. Morison.
C. N. Tucker, Captain.
Chas. Rose.
T. W. Crick.
Jno. Stephens.
R. Moore.
Thos. Bourne.
Jacob Whiddon.
A. Kilpatrick.
G. Brown.
Job Caudwell.

5 March 1867. *Richard B. Gibbs*, Hon. Sec.

VACCINATION.

COPY of the MEMORIAL on the Subject of VACCINATION presented to the Lord President of the Privy Council on the 5th day of March last.

(*Mr. Barrow.*)

Ordered, by The House of Commons, *to be Printed,*
8 *May* 1867.

276.

Under 1 *oz.*

DISTRICT LUNATIC ASYLUMS, &c. (IRELAND).

Return to an Order of the Honourable The House of Commons, dated 19 July 1867;—*for*,

RETURNS "of the Total Amount of ACCOMMODATION now existing in each DISTRICT LUNATIC ASYLUM in *Ireland*, together with the Number of PATIENTS therein (specifying Curable or Incurable) on the 31st day of December 1866:"

"Of the Amount of ACCOMMODATION which will be provided by the FOUR DISTRICT LUNATIC ASYLUMS now in course of Construction:"

"And, of the Number of LUNATICS and IDIOTS in the UNION WORKHOUSES in *Ireland* on the 31st day of December 1866."

1.—RETURN of the Total Amount of ACCOMMODATION now existing in each DISTRICT LUNATIC ASYLUM in *Ireland*, together with the Number of PATIENTS therein (specifying Curable or Incurable) on the 31st day of December 1866.

DISTRICT ASYLUMS.	Extent of Accommodation.	Number of Patients in Asylums on 31 December 1866.								
		Curable.			Incurable.			TOTAL.		
	Beds.	M.	F.	TOTAL.	M.	F.	TOTAL.	M.	F.	TOTAL.
Armagh	170	9	6	15	79	73	152	88	79	167
Ballinasloe	352	43	39	82	119	77	196	162	116	278
Belfast	371	90	80	170	100	88	188	190	168	358
Carlow	219	50	45	95	74	48	122	124	93	217
Castlebar	250	15	23	38	63	51	114	78	74	152
Clonmel (Parent)	130	15	13	28	47	46	93	62	59	121
Clonmel (Additional)	208	–	–	–	106	68	174	106	68	174
Cork	569	84	112	196	187	153	340	271	265	536
Kilkenny	172	35	33	68	46	45	91	81	78	159
Killarney	255	18	15	33	122	70	192	140	85	225
Letterkenny	254	15	12	27	75	64	139	90	76	166
Limerick	444	49	46	95	177	173	350	226	219	445
Londonderry	196	7	6	13	69	49	118	76	55	131
Maryborough	198	34	28	62	70	57	127	104	85	189
Mullingar	296	29	26	55	118	123	241	147	149	296
Omagh	333	55	39	94	122	102	224	177	141	318
Richmond	740	24	36	60	303	377	680	327	413	740
Sligo	330	29	26	55	109	80	189	138	106	244
Waterford	160	32	36	68	42	44	86	74	80	154
TOTAL	5,647	633	621	1,254	2,028	1,788	3,816	2,661	2,409	5,070

2.—RETURN of the Amount of ACCOMMODATION which will be provided by the FOUR DISTRICT LUNATIC ASYLUMS now in course of Construction.

DISTRICT ASYLUMS.	No. of Beds.
Clare (for the County of Clare)	260
Down (for County of Down)	300
Monaghan (for Cavan and Monaghan)	300
Wexford (for County of Wexford)	250
TOTAL	1,110

3.—RETURN of the Number of LUNATICS and IDIOTS in the UNION WORKHOUSES in *Ireland* on the 31st day of December 1866.

	Males.	Females.	TOTAL
Lunatics	391	719	1,110
Idiots	696	942	1,638
TOTAL	1,087	1,661	2,748

Office of Lunatic Asylums, Dublin Castle, 13 August 1867.

Geo. W. Hatchell.

DISTRICT LUNATIC ASYLUMS, &c. (IRELAND).

RETURNS of the Total Amount of Accommodation now existing in each District Lunatic Asylum in *Ireland*, together with the Number of Patients on 31st December 1866; of the Amount of Accommodation which will be provided by the Four District Lunatic Asylums now in course of Construction; and of the Number of Lunatics and Idiots in the Union Workhouses in *Ireland* on 31st December 1866.

(*Sir Frederick Heygate.*)

Ordered, by The House of Commons, *to be Printed*, 19 *August* 1867.

RETURN to an Order of the Honourable The House of Commons, dated 3 June 1867;—*for*,

COPY "of the REGULATIONS made by the Lord Lieutenant or the Treasury as to the Appropriation in Aid of the Local COUNTY or BOROUGH CESS of the SUMS received under the Act 28 Vict. c. 50, for the REGISTRATION of DOGS in *Ireland*:"

"And, RETURN of the GROSS AMOUNT so received, and Number of DOGS REGISTERED in each Petty Sessional Division during the past Year."

DOGS REGULATION (IRELAND) ACT, 1865.

RETURN of the Appropriation in Aid of the Local COUNTY or BOROUGH CESS of the SUMS received under the Act 28 Vict. c. 50, for the REGISTRATION of DOGS in *Ireland*, 1866.

No.	COUNTIES, &c.	Proportion Payable to Counties, &c., after Deducting Expenses.			No.	COUNTIES, &c.	Proportion Payable to Counties, &c., after Deducting Expenses.		
		£.	s.	d.			£.	s.	d.
1	Antrim County	1,110	9	4	25	Limerick County	843	19	–
2	Armagh „	767	12	–	26	Limerick Borough	92	16	8
3	Belfast Borough	382	10	4	27	Londonderry County	853	7	10
4	Carlow County	345	5	9	28	Londonderry Borough	59	1	2
5	Carrickfergus Borough	48	14	3	29	Longford County	322	6	6
6	Cavan County	898	18	7	30	Louth „	395	7	1
7	Clare „	847	13	–	31	Mayo „	1,023	6	3
8	Clonmel Borough	28	10	11	32	Meath „	612	5	–
9	Cork County	2,032	4	1	33	Monaghan „	649	18	–
10	Cork Borough	205	12	11	34	Queen's „	521	2	–
11	Donegal County	1,324	11	5	35	Roscommon „	667	7	8
12	Down „	1,350	11	–	36	Sligo „	494	2	9
13	Drogheda Borough	30	7	3	37	Sligo Borough	27	3	9
14	Dublin County	380	6	6	38	Tipperary County N.R.	549	6	10
15	Dublin Borough	942	8	8		Tipperary County S.R.	753	2	–
16	Fermanagh County	537	6	8	39	Tyrone County	1,154	5	4
17	Galway „	942	17	8	40	Waterford „	464	18	2
18	Galway Borough	41	4	9	41	Waterford Borough	70	3	2
19	Kerry County	974	1	6	42	Westmeath County	520	11	5
20	Kildare „	489	6	1	43	Wexford „	664	13	3
21	Kilkenny „	569	2	7	44	Wexford Borough	103	7	10
22	Kilkenny Borough	43	13	1	45	Wicklow County	590	10	–
23	King's County	475	18	9		TOTAL £.	26,719	6	10
24	Leitrim „	516	17	4					

Richard R. Wingfield.

RETURN of the Number of Dogs Registered, and of the Gross Amount of Dogs License Duty received in each Petty Sessions District in *Ireland* in the Year 1866.

No.	County.	Petty Sessions.	Number of Dogs Registered.	Gross Amount of Dogs License Duty Received. £. s. d.
1	Antrim	Ahoghill	428	42 16 –
2	"	Antrim	514	51 8 –
3	"	Ballycastle	912	91 4 –
4	"	Ballyclare	770	77 – –
5	"	Ballymena	2,286	228 12 –
6	"	Ballymoney	852	85 4 –
7	"	Belfast	5,065	506 10 –
8	"	Bushmills	605	60 10 –
9	"	Carrickfergus, County District.	289	28 18 –
10	"	Carrickfergus, Town of	645	64 10 –
11	"	Crumlin	992	99 4 –
12	"	Cushendall	563	56 6 –
13	"	Dervock	543	54 6 –
14	"	Glenarm	493	49 6 –
15	"	Killagan	728	72 16 –
16	"	Larne	853	85 6 –
17	"	Lisburn	1,335	133 10 –
18	"	Parkgate	417	41 14 –
19	"	Portglenone	323	32 6 –
20	"	Randalstown	692	69 4 –
21	"	Rasharkin	337	33 14 –
22	"	Toomebridge	248	24 16 –
23	"	Whitehouse	524	52 8 –
24	Armagh	Armagh	1,454	145 8 –
25	"	Ballybot	970	97 – –
26	"	Clonmacate	411	41 2 –
27	"	Crossmaglen	641	64 2 –
28	"	Forkhill	640	64 – –
29	"	Keady	824	82 8 –
30	"	Loughgall	459	45 18 –
31	"	Lurgan	803	80 6 –
32	"	Markethill	687	68 14 –
33	"	Middletown	280	28 – –
34	"	Moy (Charlemont District)	406	40 12 –
35	"	N. T. Hamilton	574	57 8 –
36	"	Portadown	902	90 4 –
37	"	Poyntz Pass	280	28 – –
38	"	Tanderagee	431	43 2 –
39	"	Tynan	402	40 4 –
40	Carlow	Bagnalstown	703	70 6 –
41	"	Borris	859	85 18 –
42	"	Carlow	839	83 18 –
43	"	Fenagh	236	23 12 –
44	"	Hacketstown	741	74 2 –
45	"	Myshall	320	32 – –
46	"	Tullow	874	87 8 –
47	Cavan	Arva	631	63 2 –
48	"	Bailieborough	903	90 6 –
49	"	Ballinagh	586	58 12 –
50	"	Ballyconnell	277	27 14 –
51	"	Bally James Duff	843	84 6 –
52	"	Bawnboy	364	36 8 –
53	"	Belturbet	863	86 6 –
54	"	Cavan	1,421	142 2 –
55	"	Cootehill	1,376	137 12 –
56	"	Killeshandra	344	34 8 –
57	"	Killyglasson	519	51 18 –
58	"	Kilnaleck	762	76 4 –
59	"	Kingscourt	543	54 6 –
60	"	Mountnugent	175	17 10 –
61	"	Mullagh	330	33 – –
62	"	Shercock	949	94 18 –
63	"	Swanlinbar	328	32 16 –
64	"	Virginia	689	68 18 –
65	Clare	Ballyvaughan	321	32 2 –
66	"	Broadford	252	25 4 –
67	"	Carrigaholt	230	23 – –
68	"	Corrofin	792	79 4 –
69	"	Crusheen	446	44 12 –
70	"	Doonass	295	29 10 –
71	"	Ennis	1,300	130 – –
72	"	Ennistymon	1,048	104 16 –
73	"	Feakle	434	43 8 –
74	"	Kildysart	647	64 14 –
75	"	Kilkee	254	25 8 –
76	Clare	Killaloe	447	44 14 –
77	"	Kilrush	922	92 4 –
78	"	Knock	731	73 2 –
79	"	Miltown Malbay	1,008	100 16 –
80	"	Newmarket-on-Fergus	357	35 14 –
81	"	Quin	285	28 10 –
82	"	Sixmilebridge	520	52 – –
83	"	Tomgraney	357	35 14 –
84	"	Tulla	578	57 16 –
85	Cork	Ahadalane	374	37 8 –
86	"	Ballineen	627	62 14 –
87	"	Ballinspittle	288	28 16 –
88	"	Ballydehob	266	26 12 –
89	"	Ballymartle	300	30 – –
90	"	Ballyvourney	196	19 12 –
91	"	Bandon	754	75 8 –
92	"	Bantry	628	62 16 –
93	"	Blarney	597	59 14 –
94	"	Buttevant	419	41 18 –
95	"	Carrigaline	275	27 10 –
96	"	Carrigboy	277	27 14 –
97	"	Castlemartyr	778	77 16 –
98	"	Castletown	617	61 14 –
99	"	Castletownroche	523	52 6 –
100	"	Cecilstown	306	30 12 –
101	"	Charleville	580	58 – –
102	"	Clonakilty	425	42 10 –
103	"	Cloyne	555	55 10 –
104	"	Coachford	313	31 6 –
105	"	Conna	346	34 12 –
106	"	Cork	2,723	272 6 –
107	"	Doneraile	597	59 14 –
108	"	Douglas	784	78 8 –
109	"	Drimoleague	252	25 4 –
110	"	Dunmanway	599	59 18 –
111	"	Farran	187	18 14 –
112	"	Fermoy	850	85 – –
113	"	Goleen	151	15 2 –
114	"	Innishannon	315	31 10 –
115	"	Kanturk	801	80 2 –
116	"	Kildorery	375	37 10 –
117	"	Kinsale	392	39 4 –
118	"	Knocknagree	573	57 6 –
119	"	Liscarroll	538	53 16 –
120	"	Lisheens	270	27 – –
121	"	Macroom	1,516	151 12 –
122	"	Mallow	952	95 4 –
123	"	Middleton	911	91 2 –
124	"	Millstreet	695	69 10 –
125	"	Mitchelstown	773	77 6 –
126	"	Newmarket	695	69 10 –
127	"	Passage West	220	22 – –
128	"	Queenstown	565	56 10 –
129	"	Rathcormac	832	83 4 –
130	"	Reinmeen	343	34 6 –
131	"	Riverstown	546	54 12 –
132	"	Rosscarbery	397	39 14 –
133	"	Shandangan	402	40 4 –
134	"	Skibbereen	604	60 8 –
135	"	Skull	218	21 16 –
136	"	Timoleague	353	35 6 –
137	"	Tracton	190	19 – –
138	"	Union Hall	186	18 12 –
139	"	Youghal	383	38 6 –
140	Donegal	Ardara	588	58 16 –
141	"	Arranmore	40	4 – –
142	"	Ballintra	421	42 2 –
143	"	Ballyshannon	583	58 6 –
144	"	Bunbeg	360	36 – –
145	"	Buncrana	800	80 – –
146	"	Burnfoot	546	54 12 –
147	"	Carndonagh	602	60 4 –
148	"	Churchhill	447	44 14 –
149	"	Donegal	1,053	105 6 –
150	"	Dunfanaghy	1,091	109 2 –
151	"	Dungloe	795	79 10 –
152	"	Glenties	572	57 4 –
153	"	Killybegs	1,258	125 16 –
154	"	Letterkenny	910	91 – –

No.	County.	Petty Sessions.	Number of Dogs Registered.	Gross Amount of Dogs License Duty Received. £. s. d.
155	Donegal	Lifford	248	24 16 –
156	„	Malin	1,064	106 8 –
157	„	Milford	870	87 – –
158	„	Moville	725	72 10 –
159	„	N. T. Cunningham	481	48 2 –
160	„	Pettigo	267	26 14 –
161	„	Ramelton	524	52 8 –
162	„	Raphoe	821	82 2 –
163	„	Rathmullen	278	27 16 –
164	„	Stranorlar	1,527	152 14 –
165	„	Tamney	668	66 16 –
166	Down	Ardglass and Killough	603	60 6 –
167	„	Ballynahinch	382	38 4 –
168	„	Banbridge	1,292	129 4 –
169	„	Bangor	581	58 2 –
170	„	Castlewellan	989	98 18 –
171	„	Donaghadee	395	39 10 –
172	„	Downpatrick	768	76 16 –
173	„	Dromara	470	47 – –
174	„	Dromore	470	47 – –
175	„	Florida Manor	377	37 14 –
176	„	Gilford	517	51 14 –
177	„	Grey Abbey	468	46 16 –
178	„	Hillsborough	733	73 6 –
179	„	Hollywood	640	64 – –
180	„	Kilkeel	1,122	112 4 –
181	„	Killyleagh	430	43 – –
182	„	Moira	341	34 2 –
183	„	Newry	1,016	101 12 –
184	„	Newtownards	1,298	129 16 –
185	„	Newtownbreda	711	71 2 –
186	„	Portaferry	481	48 2 –
187	„	Rathfriland	1,686	168 12 –
188	„	Saintfield	469	46 18 –
189	„	Seaforde	649	64 18 –
190	„	Waringstown	324	32 8 –
191	„	Warrenpoint	671	67 2 –
192	Dublin	Balbriggan	869	86 18 –
193	„	Blanchardstown	332	33 4 –
194	„	Cabinteely	203	20 6 –
195	„	Drumcondra	400	40 – –
196	„	Dundrum	561	56 2 –
197	„	Lucan	295	29 10 –
198	„	Newcastle	158	15 16 –
199	„	Raheny	682	68 4 –
200	„	Rathfarnham	319	31 18 –
201	„	Swords	776	77 12 –
202	„	Tallaght	441	44 2 –
203	Fermanagh	Belleek	352	35 4 –
204	„	Brookeborough	493	49 6 –
205	„	Derrygonnelly	613	61 6 –
206	„	Derrylin	701	70 2 –
207	„	Enniskillen	826	82 12 –
208	„	Irvinestown	690	69 – –
209	„	Kesh	415	41 10 –
210	„	Lack	290	29 – –
211	„	Letterbreen	737	73 14 –
212	„	Lisbellaw	449	44 18 –
213	„	Lisnaskea	472	47 4 –
214	„	N. T. Butler	738	73 16 –
215	„	Roslea	339	33 18 –
216	Galway	Ahascragh	253	25 6 –
217	„	Ardrahan	170	17 – –
218	„	Arran	22	2 4 –
219	„	Athenry	516	51 12 –
220	„	Ballinasloe	1,020	102 – –
221	„	Ballygar	268	26 16 –
222	„	Ballymoe	257	25 14 –
223	„	Ballynamore	155	15 10 –
224	„	Carna	134	13 8 –
225	„	Castletown	425	42 10 –
226	„	Clifden	286	28 12 –
227	„	Clonbur	254	25 8 –
228	„	Derreen	399	39 18 –
229	„	Dunmore	600	60 – –
230	„	Eyrecourt	299	29 18 –
231	„	Galway	546	54 12 –
232	„	Gort	402	40 4 –
233	„	Gurteen	316	31 12 –
234	„	Headford	532	53 4 –
235	„	Killimore	365	36 10 –
236	„	Kinvarra	114	11 8 –
237	„	Laurencetown	379	37 18 –
238	„	Letterfrack	153	15 6 –
239	„	Loughrea	949	94 18 –
240	„	Maam	212	21 4 –
241	„	Miltown	363	36 6 –
242	Galway	Mount Bellew Bridge	547	54 14 –
243	„	Mountshannon	169	16 18 –
244	„	Oranmore	270	27 – –
245	„	Outerard	380	38 – –
246	„	Portumna	203	20 6 –
247	„	Spiddle	240	24 – –
248	„	Roundstone	154	15 8 –
249	„	Tuam	642	64 4 –
250	„	Williamstown	398	39 16 –
251	„	Woodford	639	63 18 –
252	Kerry	Anniscaule	233	23 6 –
253	„	Ballylongford	456	45 12 –
254	„	Cahirciveen	480	48 – –
255	„	Cahirdaniel	207	20 14 –
256	„	Castlegregory	374	37 8 –
257	„	Castleisland	1,074	107 8 –
258	„	Causeway	690	69 – –
259	„	Coolmagort	295	29 10 –
260	„	Dingle	766	76 12 –
261	„	Gunsborough	463	46 6 –
262	„	Kenmare	947	94 14 –
263	„	Killarney	1,142	114 4 –
264	„	Killorglin	734	73 8 –
265	„	Kilpadder	251	25 2 –
266	„	Listowel	947	94 14 –
267	„	Miltown	402	40 4 –
268	„	O'Dorney	634	63 8 –
269	„	Portmagee	326	32 12 –
270	„	Sneem	266	26 12 –
271	„	Tarbert	356	35 12 –
272	„	Tralee	1,362	136 4 –
273	„	Valentia	108	10 16 –
274	„	Waterville	385	38 10 –
275	Kildare	Athy	760	76 – –
276	„	Ballymore Eustace	204	20 8 –
277	„	Carberry	391	39 2 –
278	„	Castledermot	498	49 16 –
279	„	Celbridge	446	44 12 –
280	„	Clane	218	21 16 –
281	„	Donadea	371	37 2 –
282	„	Kilcullen	545	54 10 –
283	„	Kildare	505	50 10 –
284	„	Kilmeague	313	31 6 –
285	„	Monasterevan	523	52 6 –
286	„	Naas	782	78 4 –
287	„	Newbridge	601	60 2 –
288	„	Rathangan	322	32 4 –
289	Kilkenny	Ballyragget	457	45 14 –
290	„	Callan	270	27 – –
291	„	Castlecomer	751	75 2 –
292	„	Freshford	484	48 8 –
293	„	Goresbridge	417	41 14 –
294	„	Gowran	356	35 12 –
295	„	Graces Oldcastle	908	90 16 –
296	„	Graigue	270	27 – –
297	„	Kilkenny City	578	57 16 –
298	„	Kilmacow	634	63 8 –
299	„	Kilmanagh	401	40 2 –
300	„	Kilmogany	566	56 12 –
301	„	Johnstown	300	30 – –
302	„	Piltown	315	31 10 –
303	„	Rosbercon	486	48 12 –
304	„	Stoneyford	324	32 8 –
305	„	Thomastown	597	59 14 –
306	King's	Ballycumber	142	14 4 –
307	„	Banagher	275	27 10 –
308	„	Clara	503	50 6 –
309	„	Clonegown	310	31 – –
310	„	Edenderry	323	32 6 –
311	„	Fahy	209	20 18 –
312	„	Ferbane	581	58 2 –
313	„	Frankford	330	33 – –
314	„	Kinnetty	296	29 12 –
315	„	Moneygall	511	51 2 –
316	„	Moyston	146	14 12 –
317	„	Parsonstown	703	70 6 –
318	„	Philipstown	400	40 – –
319	„	Shinrone	352	35 4 –
320	„	Thomastown	174	17 8 –
321	„	Tullamore	1,047	104 14 –
322	Leitrim	Ballinamore	813	81 6 –
323	„	Carrick-on-Shannon	287	28 14 –
324	„	Carrigallen	702	70 4 –
325	„	Cashcarrigan	358	35 16 –
326	„	Cloone	454	45 8 –
327	„	Dromahair	622	62 4 –

No.	County.	Petty Sessions.	Number of Dogs Registered.	Gross Amount of Dogs License Duty Received. £. s. d.
328	Leitrim	Dromod	131	13 2 –
329	"	Drumkeerin	658	65 16 –
330	"	Drumshambo	524	52 8 –
331	"	Drumsua	202	20 4 –
332	"	Kinlough	374	37 8 –
333	"	Manorhamilton	814	81 8 –
334	"	Mohill	905	90 10 –
335	Limerick	Abbeyfeale	468	46 16 –
336	"	Adare	138	13 16 –
337	"	Askeaton	157	15 14 –
338	"	Ballingarry	684	68 8 –
339	"	Ballyneety	586	58 12 –
340	"	Bruff	630	63 – –
341	"	Bruree	354	35 8 –
342	"	Castleconnell	240	24 – –
343	"	Croom	415	41 10 –
344	"	Foynes	514	51 8 –
345	"	Galbally	907	90 14 –
346	"	Glin	396	39 12 –
347	"	Hospital	454	45 8 –
348	"	Kilfinane	790	79 – –
349	"	Kilmallock	345	34 10 –
350	"	Limerick City	1,229	122 18 –
351	"	Limerick Liberties	434	43 8 –
352	"	Murroe	376	37 12 –
353	"	Newcastle	1,111	111 2 –
354	"	Newpallas	804	80 8 –
355	"	Pallaskeury	362	36 4 –
356	"	Patrickswell	391	39 2 –
357	"	Rathkeale	619	61 18 –
358	Londonderry	Claudy	1,013	101 6 –
359	"	Coleraine	1,040	104 – –
360	"	Draperstown	682	68 4 –
361	"	Dungiven	911	91 2 –
362	"	Eglinton	404	40 8 –
363	"	Garvagh	897	89 14 –
364	"	Innisrush	451	45 2 –
365	"	Kilrea	430	43 – –
366	"	Londonderry City	782	78 4 –
367	"	Londonderry Liberties	780	78 – –
368	"	Maghera	1,090	109 – –
369	"	Magherafelt	1,176	117 12 –
370	"	Moneymore	983	98 6 –
371	"	Newtown Limavady	1,443	144 6 –
372	Longford	Ballinalee	366	36 12 –
373	"	Ballinamuck	300	30 – –
374	"	Ballymahon	432	43 4 –
375	"	Carrickboy	292	29 4 –
376	"	Drumlish	192	19 4 –
377	"	Edgeworthstown	378	37 16 –
378	"	Granard	754	75 8 –
379	"	Kenagh	335	33 10 –
380	"	Lanesborough	238	23 16 –
381	"	Longford	704	70 8 –
382	"	Newtownforbes	277	27 14 –
383	Louth	Ardee	539	53 18 –
384	"	Carlingford	527	52 14 –
385	"	Castlebellingham	542	54 4 –
386	"	Collon	201	20 2 –
387	"	Dundalk	1,406	140 12 –
388	"	Dunleer	350	35 – –
389	"	Louth	766	76 12 –
390	"	Mell	211	21 2 –
391	"	Ravensdale	445	44 10 –
392	"	Termonfeckin	248	24 16 –
393	Mayo	Achill	292	29 4 –
394	"	Balla	330	33 – –
395	"	Ballaghaderrin	354	35 8 –
396	"	Ballina	1,180	118 – –
397	"	Ballindine	287	28 14 –
398	"	Ballinrobe	603	60 6 –
399	"	Ballycastle	398	39 16 –
400	"	Ballycroy	191	19 2 –
401	"	Ballyglass	252	25 4 –
402	"	Ballyhaunis	983	98 6 –
403	"	Belmullet	779	77 18 –
404	"	Castlebar	1,220	122 – –
405	"	Claremorris	655	65 10 –
406	"	Cong	109	10 18 –
407	"	Crossmolina	892	89 4 –
408	"	Foxford	626	62 12 –
409	"	Hollymount	392	39 4 –
410	"	Killala	444	44 8 –
411	Mayo	Kilmaine	331	33 2 –
412	"	Louisburgh	344	34 8 –
413	"	Low Park	370	37 – –
414	"	Newport	538	53 16 –
415	"	Swinford	761	76 2 –
416	"	Westport	1,219	121 18 –
417	Meath	Athboy	400	40 – –
418	"	Ballivor	188	18 16 –
419	"	Crossakiel	300	30 – –
420	"	Drogheda	402	40 4 –
421	"	Drumconrath	424	42 8 –
422	"	Duleek	534	53 8 –
423	"	Dunboyne	229	22 18 –
424	"	Dunshaughlin	718	71 16 –
425	"	George's Cross	536	53 12 –
426	"	Julianstown	414	41 8 –
427	"	Kells	571	57 2 –
428	"	Longwood	517	51 14 –
429	"	Moynalty	572	57 4 –
430	"	Navan	864	86 8 –
431	"	Oldcastle	351	35 2 –
432	"	Slane	481	48 2 –
433	"	Summerhill	505	50 10 –
434	"	Trim	503	50 6 –
435	Monaghan	Ballibay	1,328	132 16 –
436	"	Carrickmacross	1,895	189 10 –
437	"	Clones	589	58 18 –
438	"	Castleblaney	967	96 14 –
439	"	Emyvale	876	87 12 –
440	"	Monaghan	1,981	198 2 –
441	"	Newbliss	605	60 10 –
442	"	Rockcorry	365	36 10 –
443	Queen's	Abbeyleix	654	65 8 –
444	"	Ballacolla	258	25 16 –
445	"	Ballickmoyler	510	51 – –
446	"	Ballybrittas	352	35 4 –
447	"	Ballylinan	308	30 16 –
448	"	Borrisinossory	279	27 18 –
449	"	Castletown and Coolrain	407	40 14 –
450	"	Clonaslee	295	29 10 –
451	"	Durrow	284	28 8 –
452	"	Maryborough	694	69 8 –
453	"	Mountmellick	645	64 10 –
454	"	Mountrath	732	73 4 –
455	"	Portarlington	502	50 4 –
456	"	Rathdowney	452	45 4 –
457	"	Stradbally	369	36 18 –
458	"	Timahoe	159	15 18 –
459	Roscommon	Athlone	433	43 6 –
460	"	Aughrim	270	27 – –
461	"	Ballinlough	336	33 12 –
462	"	Ballintobber	469	46 18 –
463	"	Ballyfarnon	284	28 8 –
464	"	Ballyforan	144	14 8 –
465	"	Belnagare	171	17 2 –
466	"	Boyle	666	66 12 –
467	"	Brideswell	182	18 4 –
468	"	Castlerea	350	35 – –
469	"	Coolderry	176	17 12 –
470	"	Cootehall	399	39 18 –
471	"	Croghan	403	40 6 –
472	"	Elphin	607	60 14 –
473	"	Frenchpark	823	82 6 –
474	"	Keadue	307	30 14 –
475	"	Kilmore	172	17 4 –
476	"	Lecarrow	213	21 6 –
477	"	Roscommon	1,037	103 14 –
478	"	Ruskey	305	30 10 –
479	"	Strokestown	706	70 12 –
480	"	Tulsk	384	38 8 –
481	Sligo	Ballinafad	178	17 16 –
482	"	Ballymote	855	85 10 –
483	"	Colloony	254	25 8 –
484	"	Coolaney	409	40 18 –
485	"	Dromore, West, and Easkey	546	54 12 –
486	"	Enniscrone	437	43 14 –
487	"	Grange	627	62 14 –
488	"	Mullaghroe	366	36 12 –
489	"	Riverstown	378	37 16 –
490	"	Skreen	345	34 10 –
491	"	Sligo Borough	360	36 – –
492	"	Sligo County Court	697	69 14 –
493	"	Sooey	363	36 6 –
494	"	Tubbercurry	1,088	108 16 –

No.	County.	Petty Sessions.	Number of Dogs Registered.	Gross Amount of Dogs License Duty Received. £. s. d.
495	Tipperary	Ardfinnan	425	42 10 –
496	„	Ballynonty	1,129	112 18 –
497	„	Ballypooreen	303	30 6 –
498	„	Bansha	476	47 12 –
499	„	Borrisokane	658	65 16 –
500	„	Borrisoleigh	712	71 4 –
501	„	Cahir	698	69 16 –
502	„	Cappawhite	507	50 14 –
503	„	Carrick-on-Suir	663	66 6 –
504	„	Cashel	835	83 10 –
505	„	Clogheen	293	29 6 –
506	„	Clonmel Borough	378	37 16 –
507	„	Clonmel Rural District	692	69 4 –
508	„	Cloughjordan	181	18 2 –
509	„	Dundrum	464	46 8 –
510	„	Fethard	853	85 6 –
511	„	Golden	300	30 – –
512	„	Lorrha	355	35 10 –
513	„	Mullinahone	673	67 6 –
514	„	Nenagh	1,748	174 16 –
515	„	New Inn	246	24 12 –
516	„	Newport	725	72 10 –
517	„	Roscrea	907	90 14 –
518	„	Templemore	780	78 – –
519	„	Thurles	1,208	120 16 –
520	„	Tipperary	1,415	141 10 –
521	Tyrone	Aughnacloy	427	42 14 –
522	„	Ballygawley	766	76 12 –
523	„	Caledon	359	35 18 –
524	„	Carrickmore	488	48 16 –
525	„	Castlederg	892	89 4 –
526	„	Clogher	561	56 2 –
527	„	Coagh	474	47 8 –
528	„	Cookstown	1,335	133 10 –
529	„	Donemanagh	718	71 16 –
530	„	Dungannon	1,163	116 6 –
531	„	Fintona	541	54 2 –
532	„	Fivemiletown	422	42 4 –
533	„	Gortin	1,170	117 – –
534	„	Moy	508	50 16 –
535	„	N. T. Stewart	823	82 6 –
536	„	Omagh	1,881	188 2 –
537	„	Pomeroy	446	44 12 –
538	„	Stewartstown	624	62 8 –
539	„	Strabane	939	93 18 –
540	„	Trillick	747	74 14 –
541	Waterford	Ardmore	167	16 14 –
542	„	Ballymacarberry	354	35 8 –
543	„	Callahane	583	58 6 –
544	„	Cappoquin	249	24 18 –
545	„	Carrickbeg	584	58 8 –
546	„	Clashmore	157	15 14 –
547	„	Clonmel Rural District	202	20 4 –
548	„	Dungarvan	855	85 10 –
549	„	Kilmacthomas	164	16 8 –
550	„	Lismore	615	61 10 –
551	„	Portlaw	539	53 18 –
552	„	Stradbally	511	51 2 –
553	Waterford	Tallow	231	23 2 –
554	„	Tramore	493	49 6 –
555	„	Villierstown	80	8 – –
556	„	Waterford City	929	92 18 –
557	„	St. Patrick's Hall	372	37 4 –
558	Westmeath	Ballynacargy	266	26 12 –
559	„	Ballymore	594	59 8 –
560	„	Brawney	404	40 8 –
561	„	Castlepollard	537	53 14 –
562	„	Clonmellon	105	10 10 –
563	„	Collinstown	314	31 8 –
564	„	Delvin	372	37 4 –
565	„	Glasson	646	64 12 –
566	„	Kilbeggan	595	59 10 –
567	„	Killucan	637	63 14 –
568	„	Knockdrin	190	19 – –
569	„	Moate	590	59 – –
570	„	Mullingar	702	70 4 –
571	„	Multifarnam	241	24 2 –
572	„	Rathowen	225	22 10 –
573	„	Rochfort	475	47 10 –
574	Wexford	Arthurstown	676	67 12 –
575	„	Clonroche	647	64 14 –
576	„	Duncormick	593	59 6 –
577	„	Enniscorthy	1,196	119 12 –
578	„	Ferns	527	52 14 –
579	„	Gorey	1,425	142 10 –
580	„	Killinick	481	48 2 –
581	„	New Ross	807	80 14 –
582	„	Newtownbarry	858	85 16 –
583	„	Oulart	904	90 8 –
584	„	Taghmon	687	68 14 –
585	„	Wexford	1,369	136 18 –
586	Wicklow	Arklow	432	43 4 –
587	„	Baltinglass	827	82 14 –
588	„	Blessington	797	79 14 –
589	„	Bray	585	58 10 –
590	„	Carnew	396	39 12 –
591	„	Coolkenno	383	38 6 –
592	„	Dunlavan	577	57 14 –
593	„	Enniskerry	474	47 8 –
594	„	N. Mt. Kennedy	782	78 4 –
595	„	Rathdrum	960	96 – –
596	„	Redcross	580	58 – –
597	„	Tinahely	474	47 8 –
598	„	Wicklow	552	55 4 –
599	Dublin Metropolitan Police District.	Capel-street Police Court	10,571	1,057 2 –
600		Kingstown „ „	1,908	190 16 –
		TOTAL	353,798	35,379 16 –

Richard R. Wingfield.

DOGS REGISTRATION (IRELAND).

COPY of the REGULATIONS made by the Lord Lieutenant or the Treasury as to the Appropriation in Aid of the Local COUNTY or BOROUGH CESS of the SUMS received under the Act 28 Vict. c. 50, for the REGISTRATION of DOGS in *Ireland;* and, RETURN of the GROSS AMOUNT so received, and Number of DOGS REGISTERED in each Petty Sessional Division during the Year 1866.

(*Sir Frederick Heygate.*)

Ordered, by The House of Commons, *to be Printed,*
1 *July* 1867.

Under 1 *oz.*

DOGS REGULATION (IRELAND) ACT (1866).

RETURN to an Order of the Honourable The House of Commons, dated 5 August 1867;—*for*,

RETURN "of the EXPENDITURE incurred in the Administration of the DOGS REGULATION (IRELAND) ACT, in the Year 1866."

STATEMENT of the EXPENDITURE incurred in the Administration of the DOGS REGULATION (IRELAND) ACT, for the Year 1866.

	£.	s.	d.	£.	s.	d.
Expenses incurred by the Commissioners of Inland Revenue in providing Dogs License Stamps				448	16	10
Cost of Dogs Registry Books, License Forms, &c.	1,061	3	2			
Carriage of Dogs Registry Books	69	12	11			
Expenses incurred by Petty Sessions Clerks in Printing and Posting Notices and Lists	1,144	15	3			
Contingencies	5	2	7			
				2,280	13	11
Salaries of Registrar and his Clerks	679	13	7			
Remuneration to Clerks of Petty Sessions	4,978	4	10			
Salaries of Extra Clerks required for issuing Licenses in the Dublin Metropolitan Police District	273	–	–			
				5,930	18	5
			£.	8,660	9	2

Richard R. Wingfield,
Registrar.

Dublin Castle,
9 August 1867.

DOGS REGULATION (IRELAND) ACT (1866).

RETURN of the EXPENDITURE incurred in the Administration of the DOGS REGULATION (IRELAND) ACT, in the Year 1866.

(*Lord Naas.*)

Ordered, by The House of Commons, *to be Printed,*
14 *August* 1867.

PAPERS

RELATING TO THE

DONAGHMORE RIOT,

WITH

REPORT OF THE COMMISSIONERS

APPOINTED

TO INQUIRE INTO THE CONDUCT OF THE JUSTICES OF THE PEACE PRESIDING AT A COURT OF PETTY SESSIONS HELD AT DUNGANNON, ON 1ST OCTOBER, 1866;

AND

COPY OF LETTER FROM THE SECRETARY OF THE LORD CHANCELLOR

TO THE

JUSTICES WHO FORMED THE BENCH AT THE DUNGANNON PETTY SESSIONS, HELD AT DUNGANNON ON THE 1ST OCTOBER, 1866.

Presented to both Houses of Parliament by Command of Her Majesty.

DUBLIN:
PRINTED BY ALEXANDER THOM, 87 & 88, ABBEY-STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1867.

[*Price* 1½*d.*]

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DONAGHMORE RIOT.

REPORT of CASE at TYRONE ASSIZES, addressed to the Right Hon. the LORD CHANCELLOR.

Bushy Park, Enniskerry,
2nd April, 1867.

MY LORD,

At the last Assizes for the county of Tyrone a number of prisoners (Patrick M'Closkey and eight others) were arraigned before me on a charge of riot, affray, and illegal assembly, alleged to have taken place at Donaghmore, in that county, on the 17th September, 1866. They pleaded guilty. In order to guide me in determining the sentence I should pass it became my duty to read the informations upon which they were sent for trial. These were two in number; one that of Constable James O'Neill, another of Sub-Constable Thomas Thackaberry, and both taken before A. M. Lyle, Esq., on the 3rd October, 1866. I have the honour of forwarding the copies of the informations with which I was supplied by the Crown Solicitor. Upon perusing these, the only documents or records of evidence before, it appeared that the offence committed by the accused had its origin in an assemblage of two large parties, numbering together 120, in the informations described as Protestants, who marched about nine o'clock at night, headed by two men on horseback, and playing upon several drums and fifes, despite the efforts of the police, who apprehended a breach of the peace. Whilst engaged in the attempt to induce this body to separate, or cease playing, the constable was seized by one of the leaders of the Protestant party, shoved back, ordered out of the way, and otherwise assaulted. The party then moved on, still beating drums and playing until they came to the houses of the Roman Catholics, with whom a collision took place, when the Roman Catholic chapel bell was rung. A party of Roman Catholics assembled at first to the number of about ten, as described in the information of Thackaberry, afterwards in greater numbers, stones were thrown, shots were fired, by whom the constable, O'Neill, could not say, and assaults were committed by the Roman Catholic party (by the prisoners especially) upon the Protestant party. None of the Protestant party was returned for trial, with the exception of one named Steenson Rainey, he who had assaulted the police constable whilst acting in the discharge of his duty; and although Rainey appeared to have been one of the leaders of the Protestants on that occasion, he was only indicted for an assault, and not for taking part in an illegal assembly. I made inquiry as to the cause of this omission, and Mr. Lyle, the magistrate, in open court, stated that they were not sent for trial in consequence of their identification having failed—that they were strangers, and came from another part of the country, whilst the Catholics, being resident in the locality, were known to the police. When Mr. Lyle had made this statement, I desired Constable O'Neill to be sworn, and having read his information to him, I questioned him as to the truth of its contents, and he deposed to their accuracy. I then asked him had he known the names of any of the Protestant party other than Steenson Rainey, and he answered that he did. I asked him had he mentioned them at the time of making his information, and he replied that he had given the names of several of the Protestant party (at least six) who were engaged, as described in his information, that he had known them before, that he knew them perfectly, that he had sworn positively to them before the magistrates, and that he knew them as well as the men who were then upon their trial. He further swore that Steenson Rainey had not been assaulted or attacked by anyone before that he, the Constable, was assaulted and shoved back by Rainey, and that the Protestant party were ordered by Rainey to beat on, as described in the information, before any of the Roman Catholic party had appeared upon the scene. This was the entire evidence before me. Upon the foregoing facts I was obliged in passing sentence to express my opinion that the prisoners were not the originators of the riot, that the persons who had previously caused the disturbance of the district, and the subsequent breach of the peace, had not been returned for trial, and that the leader who had actively interfered

to encourage the proceedings of his own party, and to obstruct the police in their endeavours to prevent a collision, had only been committed upon a charge of assault, and not as being concerned in a riot or illegal assembly. I further added that I should bring the whole of the case under the notice of the Lord Chancellor.

I sentenced M'Closkey and the eight others arraigned with him to one month's imprisonment and hard labour.

I sentenced Steenson Rainey, who also pleaded guilty, to six months' imprisonment and hard labour.

I have the honour to be, my lord, your most obedient servant,

(Signed), WILLIAM KEOGH.

LETTER from JUDGE KEOGH to LORD CHANCELLOR, referring to his Report on the case at TYRONE ASSIZES, of Riot at Donaghmore.

Bushy Park, Enniskerry,
2nd April, 1867.

MY LORD,

I send herewith, for your Lordship's consideration, the report of a trial before me of M'Cluskey and others at last Tyrone Assizes. I have stated in that report, as the fact is, that the only evidence before me at the time was the sworn informations of the constables, and the testimony of Constable O'Neill, given upon oath in open court, and in reply to questions which I put to him. I have since seen, in the published report of the debate on this matter in the House of Commons, a very detailed statement read by Members of the House, of evidence alleged to have been given by this constable. I can only say that no such evidence was given before me, nor had I, at the time, any reason to suppose that there was in existence any record of any evidence relating to the case other than that contained in the informations of the constable and sub-constable, as returned by the magistrates to the assizes, and placed before me by the Crown Solicitor. Into the merits of this alleged evidence, if such exists, I do not wish to enter. I confine my attention altogether to the case as presented to me at the assizes.

A few minutes previous to this case being called on, I had arraigned before me a party of men, all Roman Catholics, who in another part of the county (the village of Pomeroy) had, in the month of August, 1866, assembled and marched very much in a similar manner creating terror in the district, and although they dispersed without coming into collision with any other party, I felt bound in the interest of the peace of the county to sentence them one and all to six months' imprisonment and hard labour.

When the facts of the Donaghmore case were elicited in the manner I have described in my report to your Lordship, I came to the conclusion that the marching and meeting of these two parties of Protestants, apparently preconcerted, taking into account their numbers, the beating of drums and playing on fifes at the hour of 9 o'clock at night, the remonstrances of the police, their avowed apprehension of a breach of the peace, not only disregarded, but the constable assaulted, clearly constituted in the eye of the law an illegal assembly, and I thought that the parties composing it should have been sent for trial as well as those with whom they afterwards came in collision. I felt that the omission to do so was calculated injuriously to affect the minds of the people as to the impartial administration of justice.

In making this communication to your Lordship, I am influenced by a painful sense of duty, as I am satisfied that if these marchings of large bodies of men, at one time, as in the Pomeroy case, consisting of Roman Catholics, at another time of Protestants, are allowed to take place, the peace of the country will be perpetually endangered and disastrous consequences may follow. My desire has always been to convince the people that all disturbers of the peace, Catholics or Protestants, should be alike punished. I know that, now at one place, now at another, large assemblages have been unfortunately tolerated under various pretexts. I hope I do not travel out of the proper sphere of my duty in expressing to your Lordship my opinion that all processions of every nature and kind, of Roman Catholics or Protestants, with or without party emblems or party music, if calculated to lead to a breach of the peace or to excite animosities, or breed jealousies between any classes of the Queen's subjects, should be discountenanced. I stated that I would bring, and I

now do so, the whole case under your Lordship's consideration. Notwithstanding the discussion which has, I think prematurely, taken place in the House of Commons, I do not wish to be understood as suggesting or desiring that any censure should be passed upon the magistrate or magistrates, or any protracted inquiry instituted, which might only tend to inflame party animosities in the district.

I have made this communication at the earliest moment possible, consistent with matters over which I had no control, and within your Lordship's knowledge, in order that such steps may be taken as to your Lordship shall seem fit to secure the transmission for trial of all persons in every part of Ireland who in future shall illegally assemble together in a manner calculated to lead to a breach of the peace.

And I have the honour to be, my Lord,

Your most obedient servant,

(Signed) WILLIAM KEOGH.

The Right Hon. the Lord Chancellor.

EXTRACT from Proceedings contained in Court Book, Dungannon Petty Sessions, 1st October, 1866.

No.	Date of Order, 1866.	Complainant and Defendant.	Witnesses examined in the case.	Complaint.	Particulars of Order, &c.
57	Oct. 1,	The Queen at the prosecution of Richard Morris, Head-Constable of Constabulary, *a.* Henry Thornbury, of Castlecaulfield; Steenson Rainey, of Mullaghuffey; George Mullan, of Dungannon; Andrew Dilworth, of Tallyleek; James M'Ateer, of Donaghmore; William Stewart, of Tullyaran.	James O'Neill, Sub-Constable; Thomas M'Elwee, Sub-Constable; Thomas Thackaberry, Sub-Constable. *Defendants* all appeared, save George Mullan, who emigrated to Australia a few days previous.	That you Henry Thornbury, Steenson Rainey, George Mullan, Andrew Dilworth, James M'Ateer, and William Stewart, together with other persons unknown, did unlawfully, riotously, and routously, assemble at Donaghmore, on the night of the 17th day of September, instant, to the terror of Her Majesty's peaceable subjects, and did then and there commit a riot.	Informations granted against Steenson Rainey, to next Assizes, and dismissed on the merits in the other cases. £10 and £5 bail.
58	Oct. 1,	The Queen at the prosecution of Richard Morris, Head-Constable of Constabulary, *a.* Pat. M'Cluskey, of Annaghbeg; Patrick Connor, Peter Madden, Peter M'Kenny, John Nogher, sen.; James Loughran, Hugh Greggan, and Francis Gillan, all of Donaghmore; and John M'Geer, of Aughareaney.	James O'Neill, Sub-Constable; Thomas M'Elwee, Sub-Constable; Thomas Thackaberry, Sub-Constable. } Appear.	That you Patrick M'Cluskey, Patrick Connor, Peter Madden, Peter M'Kenny, John Nogher, John M'Geer, James Loughran, Hugh Greggan, and James Gillan, together with other persons unknown, did unlawfully, riotously, and routously, assemble at Donaghmore, on the evening of the 17th day of September, instant, to the terror of Her Majesty's peaceable subjects, and did then and there commit a riot and affray.	Informations to next Assizes. £10, and two £5 bail.

COUNTY TYRONE.—SPRING ASSIZES, 1867.

The Queen v. *Patrick M'Cluskey, Peter M'Kinny, Francis Gillan, Hugh Greggan, John Nogher, Peter Madden, James Loughran, John M'Geer, and Patrick Connor.*

BRIEF INFORMATIONS.

The INFORMATION of JAMES O'NEILL, Constable, taken before A. M. LYLE, esq., *3rd October*, 1866,

SAITH.—That on the night of the 17th September last, about a quarter past eight o'clock, I was in the police barrack of which I was in charge. I heard the sound of drums. I went out immediately, and observed a party (Protestants), about one hundred in number, marching past the barrack towards the direction of Castlecaulfield, having

four large drums and two fifes, on which they beat and played. I, accompanied by Sub-Constable Thackaberry, followed, and when they had went on about a quarter of a mile they were met by the Castlecaulfield party (Protestants also), about twenty in number, having three drums with them. The two parties then returned to Donaghmore, playing music, two men on horseback being in front. I requested one of the horsemen to use his influence with the party to cease beating the drums until they had passed through the town, it then being late (about nine o'clock); he said he would, and turned his horse towards the party. I requested this party to cease beating the drums; they did so, and halted. I was apprehensive that a collision would take place between them and the Roman Catholic party, who had then collected. Some of the party said they would not beat the drums until they had passed the town, at which time Steenson Rainey of Mullaghuffy, one of the Protestant party, caught hold of me by the breast, shoved me back, ordered me out of the way, called on the party to beat on. They went on for about seven yards, when they were met by a number of the Roman Catholic party, who attacked, struck at, and assaulted several of the Protestant party. At this time I identified Patrick M'Cluskey of Annaghbeg, Patrick Connor of Donaghmore, James Loughran of same, and Francis Gillan of same, and who all committed assaults on the Protestant party. I, with the other sub-constable, succeeded in separating the parties. The Protestant party then proceeded on as far as the old Cross opposite the Roman Catholic Chapel, when they were again attacked by the Roman Catholic party. At this time I identified the said Patrick M'Cluskey, Patrick Connor, James Loughran, and Francis Gillan, and also Peter M'Kinny, Peter Madden, and John Nagher senior, all of Donaghmore; also John M'Geer of Aughareany, and Hugh Greggan of Donaghmore; who all assaulted the Protestant party, and immediately after the chapel bell began to toll. I succeeded the second time in separating the parties, when the Protestant party left the town, after which I went over the wall of the chapel yard, in order to prevent the ringing of the bell, and found the chapel door locked; I procured the key, went into the chapel, and discovered John M'Geer and John Loughran, two of the above-named party who assaulted the Protestants, ringing the bell. I ordered them to cease ringing, they refused to do so; when I left the chapel, went to Dungannon, accompanied by Sub-Constable Thackaberry, and reported the circumstance to the head-constable, as also to B. G. Brooke, esq., J.P., who returned with me with a party of police to Donaghmore, but no further assaults or breach of the peace took place. I should have stated that in the second attack stones were thrown and shots were fired—by whom I could not say.

Bound in £10 to prosecute.

The INFORMATION of THOMAS THACKABERRY, S.C., taken before A. M. LYLE, esq., J.P., *3rd October*, 1866,

SAITH—I was one of the party of police stationed at Donaghmore on the night of 17th September last. I accompanied Sub-Constable James O'Neill, in consequence of a party who came into Donaghmore about half-past eight o'clock, having with them four large drums and fifes; they went in the direction of Castlecaulfield for about a quarter of a mile, and was met by another party with drums, and returned back to Donaghmore, in all numbering about 120 men and boys, I believe all Protestants; before they came into town this party was met by a Roman Catholic party, about ten in number; a collision took place between the parties, and assaults were committed by the Roman Catholic party on several of the Protestants in this affray; I saw James Loughran of Donaghmore assault several of the Protestant party, after which the Protestant party proceeded on as far as the old Cross in Donaghmore, when they were again attacked by an increased number of Roman Catholics, and assaults were committed by them on the Protestant party. In the second attack, I saw James Loughran, above named, John Nagher, junior, Francis Gillan, and Peter M'Kinny, all of Donaghmore, who all assaulted the Protestant party, after which Sub-Constable O'Neill and myself succeeded in separating them; the Protestant party then left the town. I further swear that during the second affray, the chapel bell was rung and continued to ring until Sub-Constable O'Neill and I left the town for the purpose of going to Dungannon to report the circumstance to the head-constable there; I did not see any further assault or breach of the peace after we returned.

Bound in £10 to prosecute.

COPY SECRETARY'S LETTER to TYRONE MAGISTRATES.

Secretary's Office, Four Courts,
Dublin, April 16, 1867.

SIR,

By direction of the Chancellor, I herewith forward to you a copy of certain informations appearing to have been taken before Mr. Lyle, at a petty sessions held at Dungannon on the 3rd October last, and also a copy of the report of Mr. Justice Keogh of the proceedings before him at the last assizes of Omagh, resulting from the transactions referred to in the informations.

As the Chancellor is informed that you were one of the presiding magistrates at the petty sessions when the informations were made, he thinks it proper that you should have an opportunity of offering any explanation, or making any observation you may consider necessary on the contents of the accompanying documents, or the matters therein referred to, in consequence of a statement made in the House of Commons, to the effect that the decision of the magistrates on the occasion referred to was not a unanimous one. This communication is made to you individually, and a similar one will be made to each of the other magistrates.

I have the honour to be your obedient servant,

W. H. FILGATE.

To Basil G. Brooke, esq., A. L. Nicholson, esq.,
G. A. Molony, R.M., A. M. Lyle, esq.

COPY LETTER of GEORGE A. MOLONY, Esq., R.M.

Omagh, 20th April, 1867.

SIR,

In reply to a communication received from you, and forwarded by the Chancellor's orders, for any remarks I would wish to make in reply to Mr. Justice Keogh's report of a case tried by him at Omagh Assizes in March last, and whether the magistrates were unanimous on the occasion or not.

I respectfully beg to state, that after fully investigating the case, and consulting together, we came to the conclusion that in the present state of the law, and from the instructions issued to magistrates for their guidance on the subject, we could come to no other decision than the one we did. This case was prosecuted, under the Attorney-General's directions, by the Sessional Crown Solicitor for Tyrone.

I have the honour to remain, Sir, your obedient servant,

(Signed,) GEORGE A. MOLONY.

To W. H. Filgate, esq.

COPY LETTER of A. MACKENSIE LYLE, Esq.

Donaghmore House,
Dungannon, 22nd April, 1867.

SIR,

I have the honour to acknowledge the receipt of your letter of the 16th instant, with a copy of informations, stated to have been before me at a petty sessions held at Dungannon on the 3rd of October, 1866, and also a copy of Mr. Justice Keogh's report of the proceedings at the last assizes held at Omagh, resulting from the transactions referred to in the aforesaid informations; in which letter you state that the Chancellor was informed that I was one of the presiding magistrates at the petty sessions when the informations referred to were made, and that he thought it proper that I should have an opportunity of offering any explanation or making any observation I might consider necessary on the subject.

I have, in reply, to state, for the information of the Lord Chancellor, that at the petty sessions held in Dungannon, Monday, the 1st October last, the following magistrates were present—namely, B. G. Brooke, esq. (Chairman), A. L. Nicholson, Esq., George H. Maloney, esq., Stipendiary Magistrate for the County of Tyrone, and myself.

That the nine members of the Roman Catholic party named in said informations, and five members of the Protestant party, viz., Henry Thornberry, Stephen Rainey, James M'Ateer, William Steuart, and Dilworth, appeared before us, pursuant to summonses, in

which these men were charged with riot and illegal assembly; and also the Roman Catholics with a riot and illegal assembly, at Donaghmore, on the 17th September last.

That Sub-Constable James O'Neill and Sub-Constable Thomas Thackaberry were examined before us; and in addition to the facts stated in his informations, James O'Neill swore as follows:—"I asked the two men on horseback to persuade their party to cease drumming; these two men then turned to their party, and having advised them, they ceased drumming, and said they would do whatever Mr. O'Neill bade them. Thornberry said he would do what *he* could to stop the drumming; the drumming was then stopped, and the party proceeded towards Donaghmore, when they were met by the Roman Catholic party. M'Cluskey and Connor were the first to strike the drumming party; they struck at everyone they could get a blow at belonging to the drumming party. I did not see Thornberry do anything; on the contrary, he did all he could to quell the disturbance. Dilworth did nothing. M'Ateer did nothing but beat a drum. Steuart did nothing whatever. The drumming party were conducting themselves quietly when going through the town. I heard no party tunes played. I saw no fire-arms or weapons with them of any kind. When the drumming party were returning from Mr. Lyle's gate the Roman Catholic party went to meet them. The drumming party were attacked before they got into the town. They afterwards went on towards the *Cross*, and *were* again attacked. Up to the time they were attacked I did not see a weapon in the hands of the drumming party, nor observe them doing anything improper. They committed no breach of the peace until they were first attacked on the road, at which time they were not beating the drum. They did not then retaliate, as we managed to keep them asunder.

"At the second attack I did not observe a weapon with any of the drumming party, but when they were attacked at the Cross they defended themselves. I was not afraid of the drumming party; I was afraid of an attack on them if they came into the town."

Sub-Constable Thackaberry, in addition to the facts set out in his informations, swore that he knew none of the drumming party except Andrew Dilworth. "I heard no party tunes, or expressions of a party character. When I first heard the drums I did not think there would be a row; I thought there would be a row when they came into the town if they were attacked. I don't know that the drumming was calculated to alarm the people."

The Magistrates then retired to consider the effect of the evidence, and having done so, decided that informations should be taken against the nine Roman Catholics, and that informations should be taken against Stephen Rainey for an assault on Sub-Constable O'Neill in the execution of his duty. As to taking informations against the other four men there was some difference of opinion; but having regard to the instructions given by Government to Magistrates with reference to party processions—see Act of Parliament, 13 Victoria, chap. 2, (a copy of which I beg leave to enclose), and the evidence against these parties not having committed any assault or played party tunes, or exhibited any party emblems, fire-arms, or weapons, the charge against them was dismissed.

The evidence, as stated by me, was taken at the time by a short-hand writer, and can be verified on oath. In pursuance of the ruling of the Magistrates I afterwards took the informations. I am most anxious that the fullest investigation should be made with reference to my conduct as a Magistrate upon all occasions, and especially to the occasion in question, and I beg to state that I deprecate and never have countenanced party processions of any kind.

I did not intend to represent to Mr. Justice Keogh that the four Protestants had not been identified as being present with the drumming party. I merely intended to represent to him that they had not been identified as having committed any assault, and afterwards, when about to explain my meaning, his lordship would hear nothing more from me.

Not one of the Protestant party who defended themselves when attacked was identified.

I have the honour to be, sir, your obedient servant,

A. Mackensie Lyle.

P.S.—There is a mistake as to the date of Petty Sessions as held at Dungannon the 3rd October, 1866, whereas it was Monday, the 1st October. The informations were perfected on the 3rd October.

To the Secretary of the Lord Chancellor,
Four Courts, Dublin.

Copy Letter from A. L. Nicholson, Esq.

Lisdhu, Dungannon,
April 25, 1867.

Sir,

I beg to acknowledge the receipt of your letter of the 16th inst., written by the direction of the Lord Chancellor, enclosing a copy of Mr. Justice Keogh's report on the Donaghmore riot case, and also a copy of informations taken in connection therewith, and requesting me to make any observations on or explanation of the case which I might think necessary.

As I was one of the magistrates present on the occasion referred to, I beg to state that after full consideration the Bench were of opinion that it was their duty to send forward for trial, Patrick M'Cluskey, Peter M'Kinny, Francis Gillan, Hugh Creggan, John Nagher, Peter Madden, James Loughran, John M'Geer, and Patrick Connor, for riotous assembly, and also Steenson Rainey for an assault on Sub-Constable O'Neill when in the execution of his duty, and as it did not appear on the evidence before us that the other parties summoned, viz., Henry Thornbury, Andrew Dilworth, James M'Ateer, and William Stewart, had committed any breach of the peace, or acted in any manner contrary to the law, they were discharged.

The evidence of Sub-Constables O'Neill and Thackaberry, as given at the Petty Sessions, is, I presume already before the Lord Chancellor, and I do not think it necessary to make any observations on it.

I feel deeply hurt by the charges made against us by Mr. Justice Keogh at the last assizes for the county of Tyrone, and feeling convinced of the rectitude of the motives and conduct of myself and my brother magistrates, and the injury the county has sustained by the mistaken remarks in question, I beg respectfully to urge upon the Lord Chancellor to direct a full and public investigation to be held to enquire into all the circumstances of the case.

I have the honour to be your obedient servant,

A. L. Nicholson.

To the Secretary to the Lord Chancellor,
Four Courts, Dublin.

Copy Letter from B. G. Brooke, Esq.

Castleblayney, 26th April, 1867.

Sir,

I beg to acknowledge the receipt of your letter of the 16th inst., as also of the informations, and Mr. Justice Keogh's report connected with the Donaghmore riots, and asking me to make any observations or give any explanation I may deem necessary.

My explanation of the case is very short. After hearing the evidence of the two sub-constables, O'Neill and Thackaberry, both on the direct and cross-examination, as detailed in the pamphlet which Mr. Justice Keogh forwarded to the Lord Chancellor, and which at the proper time I am prepared to prove by the shorthand writer who took the notes, the magistrates, four in number, retired to their room to consider the case. After talking over the evidence, one of the magistrates differed from the others; but before returning into court, I, as Chairman, was authorized to declare the decision of the Court to be that all the Roman Catholic party were to be sent forward for trial, that Steenson Rainey (Protestant) was to be sent for trial for assaulting Sub-Constable O'Neill, and that the other four Protestants, Thornbury, Stewart, Dilworth, and M'Ateer be discharged; and I think no conscientious man could come to any other conclusion.

I need scarcely call the attention of the Lord Chancellor to the glaring discrepancy between Mr. Justice Keogh's report (see 2nd page) and the informations from which it purports to be taken. They are too transparent to be passed over.

In conclusion I would beg most respectfully to call upon the Lord Chancellor to have the case fully investigated on oath by competent persons, as I consider the observations of Mr. Justice Keogh, on the bench at Omagh, most unjustifiable and uncalled for, and if let pass by in silence, calculated to lower the dignity of the office of magistrate, as there are few men of independence who would like to subject themselves to be held up to the odium of the public at the caprice of the going Judge of Assize.

I have the honour to be, sir, your obedient servant,

(Signed) B. G. Brooke, J.P.,
Counties Monaghan and Tyrone.

To W. H. Filgate, esq.

DONAGHMORE INQUIRY COMMISSION, 1867.

REPORT.

TO HIS EXCELLENCY JAMES MARQUESS OF ABERCORN, K.G.,

LORD LIEUTENANT-GENERAL AND GENERAL GOVERNOR OF IRELAND.

MAY IT PLEASE YOUR EXCELLENCY,

In accordance with the directions contained in the Warrant of your Excellency, dated the 7th of May, 1867, appointing us to be Commissioners to inquire into and report upon the conduct of the Justices of the Peace presiding at a Court of Petty Sessions held at Dungannon, in the County of Tyrone, on the 1st of October, 1866, in the investigation and decision of certain charges of unlawful assembly and riot then preferred before them, we have the honour to submit the following Report.

We held the Court of Inquiry directed by the above Warrant on Thursday the 16th and Friday the 17th of May, 1867.

We send with our Report the shorthand writer's notes of the evidence taken upon that inquiry, and of the proceedings thereat; also copies of the informations of Sub-Constables O'Neill and Thackaberry; copy of a document headed "Instructions for the Guidance of Magistrates in suppressing Party Processions," and a map of the village of Donoghmore and the surrounding district, enlarged from the Ordnance Survey. Minutes of Evidence, p. 17. Map to face p. 16.

The village of Donoghmore contains about 500 inhabitants, of whom about one-half are Protestants and one-half Roman Catholics; it consists of one long street running from east to west, and branching at its western extremity into two roads, that on the right leading to the village of Pomeroy, about seven miles distant, that on the left leading to the village of Castlecaulfield, about two miles distant; the Roman Catholic Chapel stands at the junction of the street and the Castlecaulfield road; nearly opposite to it, at the junction of the Pomeroy and the Castlecaulfield road, stands a cross; the police barrack stands on the left side of the Castlecaulfield road, about fifty yards from the chapel.

Mr. James Corry Lowry, Q.C., with Mr. Dickie as attorney, appeared for Mr. Lyle and Mr. Nicholson, two of the Justices, who were themselves present during the inquiry. Mr. Molony, the Resident Magistrate for the County of Tyrone, appeared in person. Mr. Basil Brooke, the other Justice named in the warrant, was prevented by serious illness from attending before us. He was not represented by any professional gentleman.

We commenced our proceedings by reading your Excellency's warrant in open court, and having done so, expressed our intention of hearing any evidence pertinent to the subject-matter of the inquiry that might be offered; and before closing our inquiry we asked if any person wished to offer further evidence, and were answered in the negative.

Two summonses, issued at the suit of certain officers of the constabulary, the one against six persons, namely, Henry Thornbury, Steenson Rainey, Andrew Dilworth, James M'Ateer, William Stewart, and James Mew; the other, against nine persons, namely, Patrick M'Cluskey, Peter M'Kenny, Francis Gillan, Hugh Greggan, John Nogher, Peter Madden, James Loughran, John M'Geer, and Patrick Connor, upon charges of unlawful assembly and riot, were given in evidence before us.

We examined upon oath the following witnesses:—Henry Corr, Clerk of Petty Sessions, Sub-Constable O'Neill, Sub-Constable Thackaberry, Sub-Constable M'Elwee, Edward Cardwell, shorthand writer, Mr. Cecil Moore, Sessional Crown Solicitor, Mr. George Arthur Molony, J.P., Mr. Alexander J. Lyle, J.P., Mr. Armitage Lennox Nicholson, J.P.

We respectfully refer your Excellency to the shorthand writer's notes of the evidence of these witnessess, submitting at the same time the following short report of the proceedings before the Justices, at the Petty Sessions, at Dungannon, on the 1st of October, 1867.

The Justices present upon that occasion were—Mr. Basil Brooke, Chairman, Mr. Alexander J. Lyle, Mr. Armitage L. Nicholson, and Mr. George Arthur Molony, R.M.

All the defendants named in the first summons, except James Mew, who had previously left the country, and all the defendants in the second summons appeared.

The defendants in the first summons are all Protestants. The defendants in the second summons are all Roman Catholics.

Mr. Davidson acted as attorney for the defendants in the first summons, Mr. Young acted as attorney for the defendants in the second summons.

Mr. Cecil Moore, the Sessional Crown Solicitor, conducted the prosecutions. Having informed the Justices that he had received instructions to prosecute in both cases, he made a short opening statement, referring to the facts intended to be proved, but he did not call the attention of the Justices to the law bearing upon those facts. He examined two witnesses—Sub-Constable O'Neill, and Sub-Constable Thackaberry.

The material facts proved before the justices by these witnesses were, that on the 17th of September, 1866, about half-past eight o'clock in the evening, they heard drums beating in the direction of Pomeroy, and also of Castlecaulfield. Soon after a large party, estimated at from 100 to 200, accompanied by four large drums and some fifes, passed the barrack, going from the Pomeroy road down the Castlecaulfield road. They there met the Castlecaulfield party, consisting of about twenty persons with three drums and some fifes. In about half an hour they all returned together towards the town, headed by two horsemen and beating their drums. O'Neill said, "It was then dark, but not very dark." In the meantime a large body of Roman Catholics had collected at the Cross. At O'Neill's request one of the horsemen called upon the party to cease beating the drums, and O'Neill himself asked them not to beat the drums until they had passed the town. Some said they would not. Steenson Rainey, one of the defendants in the first summons, then caught O'Neill by the breast and pushed him aside, saying they would not stop beating the drums, and calling upon the party to beat on. Henry Thornbury, another defendant in the first summons, then came to the front, and getting before the persons who were beating the drums, said they should cease. The drumming then ceased, and the party had moved on a few yards, when Patrick M'Cluskey and Patrick Connor, two of the defendants in the second summons, and about six or eight others, came from the town. M'Cluskey struck a man near O'Neill, saying, "Kill them every one," or using words to that effect. The whole scene then became disordered, the party moved on, some of the drums resumed beating; when they reached the Cross they were attacked by a large body of the townspeople, the chapel bells were ringing, an affray ensued in which stones were thrown, and both parties struck each other. O'Neill identified all the defendants in the second summons as taking an active part in the affray, striking and throwing stones. He identified all the defendants in the first summons as being present, but did not see them taking any part in the affray. At this time he heard a shot fired, but could not say by which party. The two constables soon succeeded in separating the parties. The Castlecaulfield party then returned homewards past the police barrack, and the Pomeroy party went on homewards down the other road. Soon after, a shot was fired down that road, but as the townspeople had followed, O'Neill could not say which party fired the shot. He then went into the chapel and found Longran and M'Ginn ringing the bell; he desired them to stop, which they refused to do. On his cross-examination O'Neill stated that the Protestant party had conducted themselves well; that he saw them doing nothing improper; that they had no arms, no offensive weapons, no emblems, that he saw, and that they were not playing any party tunes; that none of the defendants in the first summons committed any breach of the peace; that he saw none of them do anything except James M'Ateer, who was beating a drum; that he could not identify any others of either party than those summoned.

No other witnesses were examined before the magistrates. Mr. Davidson insisted that the evidence of O'Neill exonerated his clients, and that so far as they were concerned, all the circumstances enumerated in the Party Processions Act, as constituting an illegal assembly, were negatived by his evidence.

The magistrates retired to their room to consider their decision; they at once determined upon sending for trial all the defendants in the second summons; they also determined to send Steenson Rainey for trial on the charge of assaulting Sub-constable O'Neill in the discharge of his duty; considering the latter offence to be more serious than that with which he was charged. They at first differed as to the decision to be made upon the

first summons. In discussing the matter they were unanimously of opinion, and assumed, that up to the time of the assault by Steenson Rainey upon Sub-constable O'Neill, none of the defendants in the first summons had committed any illegal act, and that the procession of which they formed part, was not an illegal assembly; from that period Mr. Lyle thought, and expressed his opinion, that the assembly was illegal, and that all parties should be sent for trial; the other justices thought, and expressed their opinions, that the procession which they assumed to have been legal up to that time, could not become an illegal assembly through the wrongful acts of the assailants, and that as none of the defendants in the first summons, though present, were identified as having taken any active part in the affray, there was no case made against them to justify the magistrates in returning them for trial.

While deliberating upon their decision they referred to the document headed "Instructions for the Guidance of Magistrates in suppressing Party Processions," and they put upon it a construction not intended by its framers, and thought that it referred to all party processions and defined all such as were illegal, and they consequently inferred that a party procession that did not fall within the provisions of the Acts therein referred to as explained by these instructions, was not an illegal assembly. The result was that Mr. Lyle yielded his opinion to that of his brother magistrates, and concurred in dismissing the case against the defendants in the second summons.

The magistrates having returned into court, the Chairman announced their unanimous decision.

As it was then late, by consent of all parties, it was arranged that the informations should be taken by Mr. Lyle on the 3rd of October. On that day the two sub-constables went to the house of the Clerk of Petty Sessions, and no other person being present, dictated to him their evidence. They afterwards swore their informations before Mr. Lyle, at his private residence, neither the Clerk of Petty Sessions nor the accused parties being present.

This mode of taking informations, though common, is irregular, and should not be adopted.

The informations of the two sub-constables are substantially to the same effect as the evidence given by them before the justices; but they omit all mention of the defendants in the first summons (except Steenson Rainey), and of any act of theirs from which the inference of their guilt or innocence could with certainty be drawn.

After a most careful consideration of this case, upon the evidence before us, we are of opinion that the justices were right in sending for trial all the defendants in the second summons; that they were right in sending Steenson Rainey for trial on a charge of assaulting Sub-Constable O'Neill in the discharge of his duty; that they were, in the exercise of their discretion, justified in discharging Henry Thornbury, who, though a party to an illegal assembly, had, before any riot ensued, assisted O'Neill in his endeavours to keep the peace, and exerted himself to stop the drumming. We think the justices were in error in dismissing the charge against the other defendants in the first summons; that they should have returned them for trial for the offences charged; but we think that in making their decision, they acted to the best of their judgment, and were not influenced by any improper motive. They stated to us that it was with regret they felt that they had not the power to return both parties for trial; and Mr. Lyle stated that three of the defendants in the second summons, returned for trial, were old servants of his family for whom he had a great regard, one of them, John Knockin, having been forty-eight years in their service.

As some (if not all) of the magistrates who were examined before us, appeared to be of opinion that they were right in the decision at which they had arrived, we feel it incumbent upon us to state the particular matters in which, in our judgment, they were mistaken.

It appears to us that the magistrates were mistaken in assuming the procession to have been legal up to the time of Rainey's assault upon Sub-constable O'Neill.

At common law an assembly of persons together of their own authority, with intent mutually to assist each other in carrying out some common purpose (whether lawful or unlawful) notwithstanding opposition, is, if the purpose be carried out in a violent manner, a riot.

In a district where, unfortunately, strong party feeling prevails, the marching of a large body of one party with drums and fifes, two hours after sunset, through the lower part of a town of whose inhabitants one-half at least belonged to the other party—their proceeding to join another body of their own party also accompanied by drums and fifes —the return of both parties together to the town—the assault by Rainey upon the sub-constable—the resuming of the drumming when attacked, and the subsequent affray—

were circumstances proper to be submitted to a jury as evidence of a riot at common law within the above principle.

There is another well established principle of the common law, that every assembly of a great number of persons, which from its general appearance and accompanying circumstances is calculated to excite terror and alarm, or lead to a breach of the peace, is an unlawful assembly.

We think that the assembly described by O'Neill was calculated to excite in the minds of reasonable men well grounded feelings of alarm, and it did lead to a breach of the peace.

In applying these principles of the common law it is at times difficult to draw the line of distinction between a lawful and an unlawful assembly; but even should that difficulty exist it would be more prudent for magistrates not to take upon themselves its solution, but to refer it to a higher tribunal, and that more particularly in cases of a party nature.

We think that the magistrates were also mistaken in supposing that the defendants in the first summons were not responsible for the riot, because they were not seen to take any active part in it; this is not the law. All persons who form part of an assembly of this kind, disregarding its probable consequences, and thereby giving countenance and support to those who are more active, are criminally responsible. Upon this subject, in his charge to the Grand Jury, on the occasion of the Birkenhead riots, Mr. Baron Bramwell said—

"In cases of riot the rules of good sense and good law are the same. A man may take part in a riot not merely by being an actual stone-thrower, or shouting, or yelling. If he be seen marching with them, so that his presence was an aid and encouragement to the more active parties, he is as much a party in a riot as a soldier in a battle who although he did not fire was there present to be brought up as a reserve."

See p. 15.

We have before stated that while deliberating as to their decision, the Justices referred to the document headed "Instructions for the Guidance of Magistrates in suppressing Party Processions," and had put upon it a construction not intended by its framers. We have thought it right to consider and to state as our opinion how far they may have been justified in so doing. Although the document is not calculated to mislead persons thoroughly acquainted with the principles of the common law, we think that it did mislead the magistrates in this case. The document is headed—

"*Instructions for the Guidance of Magistrates in suppressing Party Processions,*"

a heading which, apparently, comprises all party processions. It first refers to the Act 13 Vic., c. 2, defines all offences falling within its provisions, and instructs magistrates how to act with regard to them. It then refers to another Act, the 6 & 7 Will. 4, c. 38, secs. 8 and 9, and instructs magistrates how to act in cases falling within the provisions of these sections, and omitting all mention of assemblies illegal at common law, it proceeds:

"The Justices of the Peace should understand that it is their bounden duty, within their respective jurisdictions, to act upon the powers thus vested in them by law for the suppression of these illegal proceedings against which the above statutes are directed, and that they will be held, collectively and individually, responsible for any violation of this law which may occur in their districts of which it shall be found that they have notice, and when it may be found that they have not made use of their authority and means at their disposal to suppress such proceedings and bring those concerned to justice."

Upon reading this document, the Justices may, not unnaturally, have inferred that their authority in suppressing party processions and bringing those concerned in them to justice, was confined to processions offending against the provisions of the Acts therein referred to, and that other processions were not illegal.

We have the honour to be

Your Excellency's obedient servants,

CHARLES KELLY.

CHARLES SHAW.

June 3, 1867.

Instructions for the Guidance of Magistrates in Suppressing Party Processions, referred to in the Commissioners' Report.

The Act of Parliament, 13th Victoria, cap. 2, points out in distinct terms the Offences that fall within the provisions of that Statute.

These Offences are:—

That any body of persons meeting and parading together, or joining in procession, and who shall bear, wear, or have amongst them, any fire-arms, or other offensive weapons, *or* any banner, emblem, or flag, or symbol, the display whereof may be calculated, or tend to provoke animosity between different classes of Her Majesty's subjects; *or* who shall be accompanied by any music of a like nature or tendency, shall be deemed to be an unlawful assembly, and every person present thereat shall be deemed to be guilty of a misdemeanor.

To come within the foregoing provisions, parties must "meet and parade, or join in procession."

The parading need not be, however, in military array. Any meeting and placing of persons so met in ranks, or in any order of march, or procession, would be within the Act.

They (or some of the party) must either have arms or offensive weapons, *or* wear party colours or emblems, *or* have with them party flags or banners, &c.; *or* they must be accompanied by music "of a like nature and tendency," that is, playing party tunes or singing party songs.

An assembly of persons meeting and parading, or joining in procession under *any one* of the foregoing circumstances, falls within the meaning of the Act.

By Section Two of the Act, any Justice of the Peace apprized of the assembly, is bound to take proper assistance, and command such unlawful assembly of persons or procession to disperse, using the Form of Proclamation contained in the Act.

By the Third Section, persons refusing to disperse within one quarter of an hour from their being thus commanded so to do, may be apprehended, and punished by summary conviction before two Magistrates; and all such parties, whether so commanded to disperse or not, and even though they should disperse on being commanded to do so, may be indicted for the misdemeanor, under the First Section of the Act, and brought to trial for said offence, at the Sessions or Assizes.

With respect to arches, flags, or banners erected on or over the public highway, and the display whereof may be calculated to provoke animosity between Her Majesty's subjects of different religious persuasions, they may be removed by the Magistrates and Constabulary under their control.

Sometimes the bases of these arches are erected on the *Premises of Individuals*, and not on the public highway, though the arches are afterwards made to cross the highway; but wherever such arches are extended over the highway, they partake of the character of nuisances, and the Magistrates have a right to remove the same, and, if it be necessary, to go upon the grounds of individuals for that purpose; and the Constabulary, acting under the direction of a Magistrate, may do so, taking care to do as little damage as possible, and to use no more force than is necessary for the purpose; and the same observation applies to the practice of extending lines of flags, or other party emblems, from one house to another, across the street, so as to make a species of arch or line under which the people must pass.

The exhibition of flags and party emblems in or from public-houses is effectually provided against by the 6th and 7th William IV., cap. 38, Sections 8 and 9, and should be carefully suppressed accordingly. By the former of these Sections, every person licensed to sell Spirits by retail, who shall hang out or display, or suffer to be hung out or displayed from or out of his house, or place of business, any sign, flag, symbol, colour, decoration, or emblem whatsoever, except the known and usual and accustomed sign of such house or place of sale, is liable to a Penalty of Two Pounds, and his Licence may not be renewed, or may be forfeited altogether; and by the latter Section, any Magistrate or Chief Constable, or any Constable authorized by a Magistrate or Chief Constable, may enter such house, and remove and destroy all such flags, &c.

The Justices of the Peace should understand that it is their bounden duty, within their respective jurisdictions, to act upon the powers thus vested in them by law, for the suppression of these illegal proceedings, against which the above Statutes are directed, and that they will be held, collectively and individually, responsible for any violation of this law which may occur in their district, of which it shall be found that they have had notice, and where it shall appear that they have not made use of their authority and the means at their disposal to suppress such proceedings, and bring those concerned in them to justice.

In every case when the Magistrates hear of a Procession being formed in defiance of the Act, or when they have reasonable grounds to apprehend that such a Procession may take place, they should be prepared with sufficient assistance to proceed to the spot, and should use the most prompt exertions to disperse the Assemblage, and apprehend the principal parties engaged in it, and proceed against them in the manner provided by the Statute.

In the case of small Parties, not exceeding twenty, and not having any Arms, it may be sufficient to proceed in the course pointed out by the Statute, to read the Proclamation to disperse, which should be done in the following words, viz.:—

"Our Sovereign Lady the Queen chargeth and commandeth all persons being here assembled, "immediately to disperse, and peaceably to depart, upon pain of Fine and Imprisonment "according to the Statute passed in the 13th year of the Reign of Queen Victoria, to restrain "party processions in Ireland."

The names of as many as can be identified in the procession should be ascertained and taken down as soon as possible.

If the parties really disperse on the proclamation being made, or within one quarter of an Hour after, the object of its being made having been attained, no further proceedings need be taken at the time; but the names or descriptions of the parties identified should be reported for further directions as to the proceedings against them, if it shall be deemed expedient.

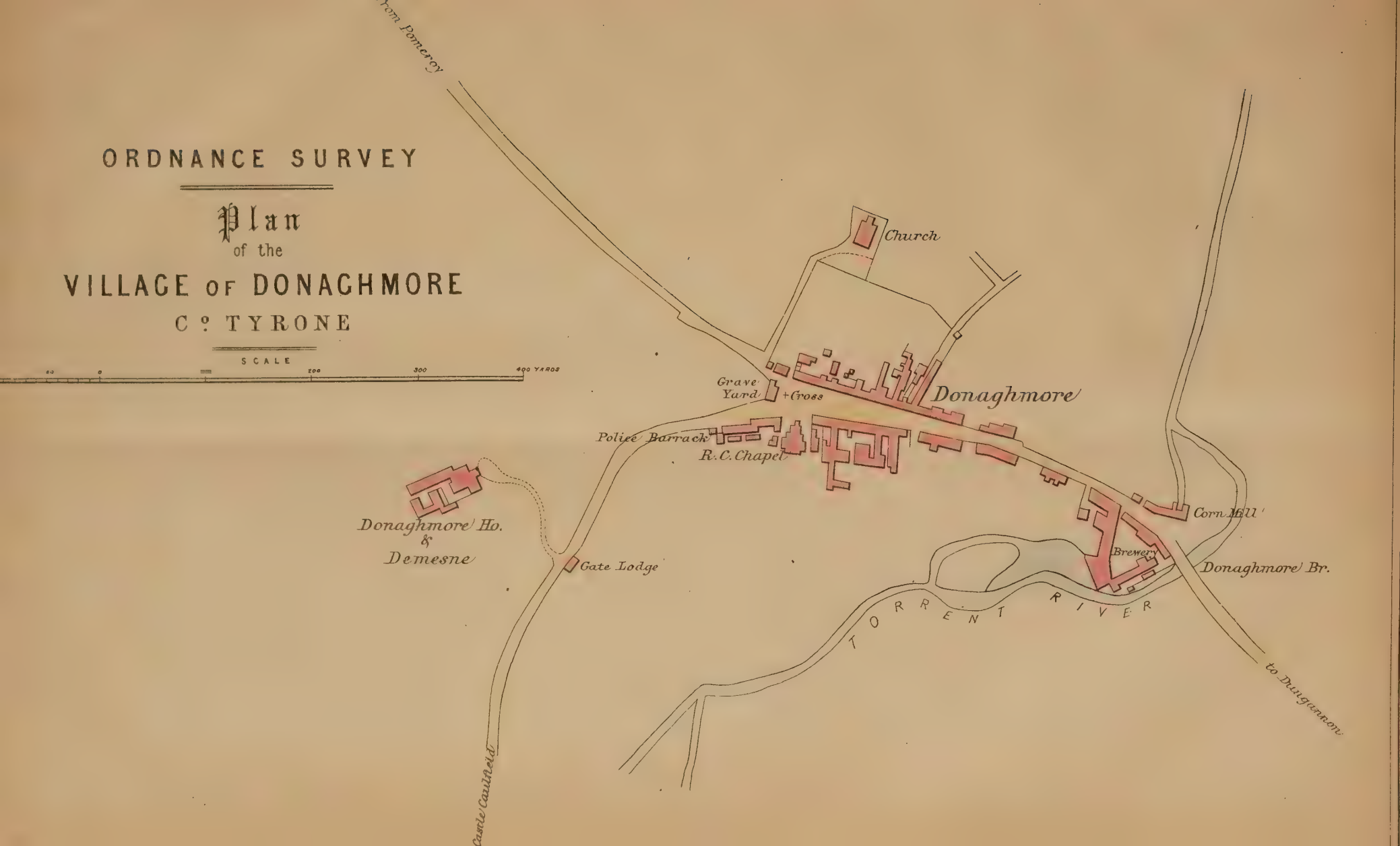
If the parties forming the procession do not disperse in the time prescribed after the proclamation has been read, the Magistrates, with a view to proceeding on the summary powers of the third section, may apprehend the parties offending, on the spot, either with or without a warrant; or if that course cannot conveniently be taken, an information may afterwards be exhibited, on which the Justice, before whom it is exhibited, may issue his warrant to apprehend the accused.

It will not be necessary, in proceeding on the summary jurisdiction, to make up at the time a formal conviction; but the minutes of the evidence, in each case, should be carefully preserved.

It is desirable, that in every case admitting its application, the summary power given by the Third Section of the Act should be put in force, and with the utmost possible expedition; and the Magistrates should make such arrangements for their meeting and acting in concert, as will enable them most speedily and effectually to exercise this jurisdiction.

A more prompt course should be taken in the case of processions formed of greater numbers, or having any arms. The parties assembled are guilty of a misdemeanor under the First Section of the Act; the assembly is unlawful, and every person engaged in it is liable to prosecution by Indictment. It is, therefore, competent to any Magistrate at once to issue his Warrant on the spot, to apprehend them, or any of them, with a view to their being made amenable to justice. Those with arms, or carrying banners or other emblems, or drums, should, in such cases be at once arrested; the order to disperse should then be read to the others, and if the assembly show any sign of resistance, the Riot Act should be read also. The parties who may remain assembled notwithstanding these steps, should be arrested, if possible, on the spot, and all the persons so apprehended should be dealt with as in ordinary cases; being detained in custody until brought before the Magistrates for examination, when those who may be able to find sufficient security will be admitted to bail, those who may not, being committed to prison for trial at the next Assizes.

It should also be the duty of the Justices and Chief Constables to warn all licensed retailers of spirits in their respective districts of the provisions contained in the Spirit Licence Act as above noticed, and to enforce them with vigilance.


ORDNANCE SURVEY
Plan
of the
VILLAGE OF DONAGHMORE
Co TYRONE
SCALE
200
300
400 YARDS
from Pomeroy
Church
Grave Yard
+Cross
Donaghmore
Police Barrack
R.C. Chapel
Donaghmore Ho.
&
Demesne
Gate Lodge
Corn Mill
Brewery
Donaghmore Br.
TORRENT RIVER
to Dungannon
Castle Caulfield

MINUTES OF EVIDENCE.

FIRST DAY.

DUNGANNON, THURSDAY, MAY 16, 1867.

THE COMMISSIONERS, CHARLES KELLY, esq., Q.C., and CHARLES SHAW, esq., Q.C., sat at eleven o'clock, and commenced the proceedings under the Commission.

Mr. Commissioner KELLY said—This inquiry is held under a Commission from the Lord Lieutenant, which I shall read:—

"By the Lord Lieutenant-General and General Governor of Ireland:

"ABERCORN.

"Whereas it has been notified to us that at a Petty Sessions Court held at Dungannon, in the county of Tyrone, before Basil George Brooke, Alexander Mackenzie Lyle, Armytage Lennox Nicholson, and George Molony, esqrs., justices of the peace for the said county, there presiding, fourteen persons, that is to say, Henry Thornberry, Steenson Reaney, Andrew Dilworth, James M'Atee, William Stewart, Patrick M'Cluskey, Patrick Connor, Peter Madden, Peter M'Kenny, John Nogher, senior, James Loughran, Hugh Criggan, Francis Gillan, and John M'Gerr, being duly summoned, appeared before the said court to answer charges preferred against them at the suit of certain officers of the Constabulary, namely, that the said several persons did unlawfully and riotously assemble at Donaghmore, in the county aforesaid, on the night of the 17th of September, 1866, to the terror of Her Majesty's subjects, and did then and there commit a riot. And whereas the said justices so present at the said petty sessions did then and there determine that informations should be granted, returnable to the said assizes, against the said Patrick M'Cluskey, Patrick Connor, Peter Madden, Peter M'Kenny, John Nogher, senior, James Loughran, Hugh Criggan, Francis Gillan, and John M'Gerr, on the said charge, and that an information should be granted against the said Steenson Reaney on the charge of riot, also returnable to the next assizes, and dismissed the said summonses against the said Henry Thornberry, Andrew Dilworth, James M'Atee, and William Stewart, on the merits. And whereas such dismissal of the said charge against the four last-named persons has been objected to and complained of, and such objection and complaint having been notified to the Lord Chancellor, the same were communicated by his directions to the said justices, and they, in replying thereto, insisted upon the propriety of the said decision, and three of them accordingly demanded a full and public investigation into their conduct on the occasion referred to. Now we do nominate and appoint you, the said Charles Kelly and Charles Shaw to be Commissioners to inquire into the conduct of the said justices in the investigation and decision in the said cases, and for that purpose to hold an inquiry at the Court-house of Dungannon on the 16th day of May, 1867, and in order thereto to examine on oath all such persons as may be produced as witnesses before you in reference to the matters so to be inquired into, and to report on the conduct of the said justices in reference thereto, and for so doing this shall be your warrant.

"Given at Her Majesty's Castle of Dublin on this 7th day of May, 1867.

"By His Excellency's command,

"THOMAS A. LARCOM."

Accordingly we have come here in pursuance of that warrant to hold the inquiry into the conduct of the magistrates on the occasion referred to in the warrant, and we are ready to hear from any party any evidence that is pertinent to the inquiry.

Mr. *Lowry*, Q.C.—I appear for Mr. Lyle and Mr. Nicholson, two of the magistrates. Mr. Brooke, the third magistrate, is in a bad state of health; I have no authority to appear for him. I presume that you will confine your inquiry to what took place at the Petty Sessions.

Mr. Commissioner KELLY.—We do not wish to hear of and shall not inquire into anything else.

Mr. Commissioner SHAW.—We have nothing to say to anything that took place before or after the investigation at the Petty Sessions, and shall take no evidence of anything else. We shall confine our inquiry to the summons, the informations, and the evidence given before the magistrates, and all that occurred on that occasion.

Mr. Commissioner KELLY.—We are here to hold an inquiry into the conduct of the magistrates on that particular occasion, and what we propose to do is, to hear any one who wishes to give evidence as to what took place then.

Mr. *Cochrane*.—Shall we be at liberty to cross examine.

Mr. Commissioner KELLY.—Certainly. This is an inquiry into the conduct of the magistrates, and in order to render the investigation full and complete, we are ready to hear any one who will give evidence pertinent to the inquiry.

Mr. *Reardon*.—The magistrates have to clear themselves of the charges against them.

Mr. *Lowry*.—We have nothing to clear ourselves of.

Mr. *Cochrane*.—The magistrates asked for this inquiry.

Mr. Commissioner SHAW.—We do not propose in the first instance to examine any of the magistrates. We shall first examine any witnesses who can depose to what took place before the magistrates.

Mr. *Lowry*.—It will probably be necessary that you should adjourn for a short time, after my statement, as the shorthand writer who took down the proceedings before the magistrates has not arrived.

Mr. *Davison*.—I appear for the parties summoned before the magistrates at Petty Sessions, against whom the summons was dismissed: Henry Thornberry, Andrew Dilworth, James M'Atee, and William Stewart; Steenson Reaney is in gaol.

Mr. *Lowry*.—The occurrence which gave rise to the proceedings before the magistrates took place on the 17th of September last. In consequence of what occurred on that evening, nine persons connected with one party, and six persons connected with the other, were summoned at the suit of the constable for a riot and illegal assembly. One of the six persons of the latter party did not appear; I understand that he had left the country, so that only five of one party appeared before the magistrates, and nine of the other. Two witnesses were examined before the magistrates—Sub-Constable O'Neill and Sub-Constable Thackaberry.

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Those witnesses were examined by the professional gentlemen who appeared on behalf of the several parties at considerable length. The magistrates, having heard the evidence, retired to consider their decision, and having done so, the judgment of the Bench was that informations should be taken, returnable at the assizes, against the nine men of the one party and against one man of the other party.

Mr. Commissioner Shaw.—There were nine defendants of the first party summoned, and six of the second, five of whom appeared?

Mr. *Lowry.*—Yes. The magistrates having considered the evidence, their judgment was that the nine included in the first summons should be sent to the assizes for trial for riot and an illegal assembly, and that one man of the other party, Steenson Reaney, should be sent for trial for an assault on Sub-Constable O'Neill in the execution of his duty. This appears from the information which gave rise to the observations made by a respectable gentleman in another place. The Petty Sessions were held on the 1st of October, 1866; and on the 3rd of October, 1866, in pursuance of the decision of the magistrates, the informations were taken, and the parties were held to bail. The cases then came on for trial at the ensuing assizes.

Mr. Commissioner Shaw.—I do not think it necessary that you should refer to anything that took place at the assizes.

Mr. *Lowry.*—I will merely mention that the parties pleaded guilty, and consequently nothing came before the Court except what appeared on the informations. I do not intend to state anything more than that.

Mr. Commissioner Shaw.—You have not told us that the informations were taken.

Mr. *Lowry.*—They were taken, and the parties were held to bail. I must tell you that in point of fact Reaney was indicted for an assault.

Mr. Commissioner Kelly.—We must object to your stating anything further of what took place at the assizes. It is outside our inquiry.

Mr. *Lowry.*—I do not intend to allude directly or indirectly to any observations made at the assizes. I merely stated that Reaney was indicted for an assault.

Mr. Commissioner Shaw.—Taking the informations as part of the acts of the magistrates,—our inquiry closes at the taking of the informations.

Mr. *Lowry.*—I intend to prove to you what the evidence was which was given before the magistrates at Petty Sessions. I have a shorthand writer's note of it. Every word that was given in evidence was taken down by him, and he will be produced, and will verify the correctness of the report. I could verify it by examining the magistrates, but I prefer to verify it by the evidence of the shorthand writer.

Mr. *Cochrane.*—I suppose, gentlemen, that you will require the magistrates to be examined?

Mr. Commissioner Shaw.—Subsequently.

Mr. *Lowry.*—I will now read to you the report of what took place at the trial.

Mr. Commissioner Shaw.—Until it is proved, I do not think that it should be read. The shorthand writer should be examined, and prove the correctness of the report before you read it. Any gentleman may, according to the best of his recollection, give evidence of what took place, and he may refresh his memory by any note that was made by him at the time, but not by reading a printed document, or report taken by another person.

Mr. *Lowry.*—The shorthand writer has not arrived, and I am, therefore, not yet in a position to make the report legal evidence.

Mr. *Davison.*—I cross-examined the witnesses, and was in the Court during the whole of the proceedings.

Mr. Commissioner Shaw.—Do you wish to give evidence of what took place in your presence?

Mr. *Davison.*—No, I do not.

Mr. *Lowry.*—Have you the original informations?

Mr. Commissioner Shaw.—They shall be forthcoming. We will telegraph for them.

Mr. *Lowry.*—We have a copy of them, and I will refer to them in the meantime. But I am in a difficulty in consequence of the non-arrival of the shorthand writer.

Mr. Commissioner Shaw.—We had better begin with the summons.

Henry Corr.

Mr. *Henry Corr* sworn and examined by Mr. Commissioner Shaw.

1. You are the Clerk of the Petty Sessions at Dungannon?—I am.

2. Do you produce the Petty Sessions Book?—Yes.

(The book was produced by the witness.)

Mr. Commissioner Shaw.—Is it admitted on both sides that the parties appeared in pursuance of the summons?

Mr. *Cochrane.*—Certainly.

3. Mr. Commissioner Shaw.—Read the entries in the Petty Sessions Book in each case.

The witness read the entries from the Petty Sessions Book.

4. What were the names of the magistrates present?—Mr. Brooke, Mr. Lyle, Mr. Nicholson, and Mr. Molony.

5. What witnesses were examined?—Sub-Constable O'Neill, Sub-Constable Thackaberry, and Sub-Constable Thomas M'Elwee.

6. What is the decision in the first case?—"Informations granted against Steenson Reaney to next assizes, and dismissed on the merits in the other cases; £10 and £5 bail."

7. Read the witnesses' names in the second case?—"James O'Neill, Sub-Constable; Thomas M'Elwee, Sub-Constable; Thomas Thackaberry, Sub-Constable."

8. And the decision?—"Informations to next assizes; £10 and two £5 bail."

Mr. Commissioner Shaw.—We want to hear now what took place before the magistrates on the hearing.

Mr. *Carleton.*—The information discloses nothing.

Mr. *Cochrane.*—Certainly not.

Mr. Commissioner Kelly.—We propose to hear the several witnesses as to what took place on that day, any witnesses that may be tendered to prove what took place before the magistrates.

Mr. Commissioner Shaw.—At the hearing of the complaints.

Mr. *Carleton.*—You will not go into the evidence of other parties who were not present at the Petty Sessions.

Mr. Commissioner Shaw.—We wish not to be misunderstood. We shall confine our inquiry strictly to the proceedings before the magistrates; but we will allow any person who is capable of proving to us what the proceedings were, to be examined. The most satisfactory witness would certainly be the person who took the short-hand notes.

Examination resumed.

9. Were you present at the investigation of the case at Donaghmore on the 1st of October?—I was.

10. Did the parties complaining appear?—They did.

11. Did all the defendants appear?—All, except one, James Mullen.

12. What first occurred, when the case was taken up by the magistrates? Did any one state the case?—The Sessional Crown Solicitor opened the case.

13. What is his name?—Cecil Moore, esq.

14. Did he examine any witnesses?—He did.

15. Was each case tried separately?—They were; but the decision was reserved till afterwards.

16. Which was taken up first?—No. 1—the Protestant party, as they are called.

17. What witnesses were examined in that case?—Sub-Constables O'Neill and M'Elwee.

18. As soon as the witnesses for the prosecution were

examined, what was done?—They then entered into the second case.

19. Were any witnesses examined for the defence in the first case?—None.

20. Or did any professional men appear for the defence?—Not that I recollect.

21. No evidence was offered for the defence in the first case?—None that I recollect; except that Mr. Davison defended the Protestant party in No. 1.

22. In No. 1 case there was no evidence?—No.

23. And the magistrates postponed their decision in the first case till they heard the second?—Yes.

24. Who appeared for the prosecution in the second case?—The same gentleman; Mr. Moore.

25. Did he examine any witnesses?—He did.

26. Who were they?—O'Neill, M'Elwee, and Thackaberry.

27. Were those the same three witnesses examined in the first case?—The same.

28. There were three witnesses in the first case?—Three witnesses.

29. And three witnesses in the second case?—The same.

30. As soon as the witnesses were examined in the second case for the prosecution what took place?—The magistrates retired.

31. Did the defendants go into any evidence?—Not that I recollect.

32. Mr. *Lowry.*—Were they represented by any professional man?—I do not recollect.

33. Do you recollect Mr. Young being there?—I do.

34. Mr. Commissioner Shaw.—The magistrates retired to their room?—They did.

35. What then took place?—They returned.

36. You did not go into the room with them?—I did not

37. How long were they in consultation?—A short time; ten or twelve minutes.

38. They then returned?—And gave their decision.

39. Was it your duty to record the decision?—It was.

40. And you have recorded it correctly?—I have.

41. Was the evidence which was given on that occasion taken down by you?—No.

42. Or by any of the magistrates?—They may have taken a note of it.

43. But it was not taken down by you?—No.

44. Mr. Commissioner Kelly.—But you do not remember whether any of the magistrates took it down?—No.

45. Mr. Commissioner Shaw.—You did not take any notes?—No.

Mr. Commissioner Kelly.—Anybody who wishes to do so may cross-examine this witness. The parties may ask any question in order to bring out anything they may wish to elicit, and examine witnesses in chief themselves.

Cross-examined by Mr. *Lowry.*

46. You were present at the whole investigation?—I was.

47. Do you recollect Mr. Young being there?—I do.

48. He was present?—He was.

49. Did he attend professionally for either party?—He did.

50. For which party?—For the Roman Catholic party.

51. You have already said that Mr. Davison appeared for the Protestants?—Yes.

52. And Mr. Moore for the Crown?—For the Crown.

53. And you say that the evidence was not taken down by you or by any one officially?—Not by me; there were reporters there.

54. Can you state to the Commissioners what evidence O'Neill gave on that occasion, as well as you can recollect?

Mr. *Reardon.*—If O'Neill is here, I object to hearsay evidence being given.

Mr. Commissioner Kelly.—We must allow Mr. Lowry to cross-examine the witness as to what evidence was given.

Mr. *Reardon.*—We can have the direct evidence of the witness himself.

Mr. Commissioner Kelly.—So we shall.

Mr. Commissioner Shaw.—We may hear from the witness himself what he said, and we may also hear from another person what he said. What was said is the subject-matter of our inquiry. That is the matter which we are to ascertain.

55. Mr. *Lowry.*—Can you state what O'Neill's evidence was?—O'Neill was first examined. On that occasion he stated that his attention was attracted by the sound of drums.

56. This was on the 17th of September?—On the 17th of September.

57. Where was it?—At Donaghmore. He turned out, bringing one man with him.

58. One man only?—One or two. The party with the drums passed the barrack in the direction of Castlecaulfield.

59. Castlecaulfield?—Yes.

60. Go on.—He got on a short distance when another party having drums met the party who passed the barrack a few minutes previously.

61. Did he mention the numbers in those parties?—I cannot recollect the numbers. The Catholics followed and attacked the drumming party. That was the purport of his evidence. There were assaults committed there.

62. When was that?—On the second drumming party meeting the first, and returning back to Donaghmore. He endeavoured as far as possible to separate the parties, he and the man with him. He went on. They went on, the drumming party, towards the town to a place called the Old Cross, and he stated that a second attack was made on the drumming party, and several assaults were committed.

63. Repeat that again.—Several assaults were committed on the drumming party by the other party. Previous to that a few minutes he himself was assaulted by taking hold of by Reaney. Immediately when the second assault took place the bells of Donaghmore chapel began to ring, and the numbers increased then of the Roman Catholic party, when he advised them to leave the town, and go by any other direction.

64. Mr. Commissioner Kelly.—Advised whom?—The drumming party.

65. Mr. Commissioner Shaw.—To leave the town?—Yes.

66. And go on in any other direction?—Yes. He went over the wall into the chapel yard to ascertain who was ringing the bell, and found the doors closed. He got the key from the servant of the clergyman, and found two men ringing the bell. He ordered them to cease ringing, and they refused to do so. He left, and proceeded to Dungannon to report the circumstances to the head-constable then in charge of the station.

67. So far as you recollect, is that all the evidence of the first witness in the case?—I do not recollect that he stated more. I cannot recollect the particulars further.

Cross-examined by Mr. *Lowry.*

68. You stated that O'Neill advised the Protestant party to leave the town?—Yes.

69. Did they adopt his advice?—Yes.

70. Mr. Commissioner Shaw.—Did O'Neill say that he advised the Protestant party to leave the town?—Yes, sir.

71. Do you recollect whether O'Neill stated that he asked the Protestant party to stop their drumming?—I do. He did.

72. Do you recollect what answer they gave to him?—I cannot recollect that; but he stated that they stopped the drumming.

73. Mr. *Lowry.*—When he directed it?—Yes.

74. Did he state before the magistrates whether the Protestant party had arms or offensive weapons?—In my hearing he did not.

75. Did he state that they had not?—He did.

76. Did he state whether they exhibited any party

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emblems or not?—He stated that they had none that he saw.

77. Did he state whether they were playing party tunes or not?—He stated no.

78. They were not?—They were not.

79. Mr. Commissioner Shaw.—He stated that they were not playing party tunes?—He did.

80. Mr. *Lowry.*—Did he state whether they used any party or insulting expressions towards any one?—No; he stated that they did not use any.

81. Did he say that they did not?—He stated that they did not.

82. Did he state whether they committed any assault or did any unlawful act before they were attacked?—He stated no, that they did not.

Mr. Commissioner Shaw.—I think that question a little too large. I do not think that he intended to say that.

Witness.—He said that they committed no assault.

83. Mr. *Lowry.*—Did he say that they did nothing improper till they were attacked?—I cannot recollect, but words tantamount to that; I cannot exactly say what they were.

84. Either when they were attacked, or before or after they were attacked, did he say whether Thornberry interfered?—He stated that Thornberry endeavoured by advice to the party to get them forward and out of the town. He said that he spoke to Thornberry. O'Neill did; and that Thornberry endeavoured so far as possible to remove the drumming party out of town.

85. Mr. Commissioner Shaw.—You said, by advice?—By advice.

86. Mr. Commissioner Kelly.—To remove the Protestant party from the town?—Yes.

87. Did he say when that was—was it before or after the assault?—The assault had been committed previously and after.

88. It was between the two assaults?—Between the two assaults, so far as I recollect.

89. Mr. *Lowry.*—The first attack was a little out of the town?—After they had passed the barrack.

90. Did he state whether the Protestant party retaliated?—He stated no.

91. And it was then he advised them to leave the town?—Yes.

Mr. Commissioner Shaw.—Will you get the witness to describe the locality, Mr. Lowry?

92. Mr. *Lowry.*—Do you know the town?—I do.

93. It consists of a long street?—A long street.

94. And at the end of that street is the chapel and the burying-ground?—Yes; and at the extreme end of the town the police barrack, at the left. (The witness described the locality on a sketch which was shown to him.)

95. Where is the police barrack?—A few perches on the same line.

96. Further on?—Yes.

97. Mr. *Lowry.*—A few perches to the left of the chapel; further out of the town.

98. Mr. Commissioner Shaw.—The barrack is a few perches from the chapel?—Yes.

Mr. *Lowry.*—On to the Castlecaulfield road; on to the left of the chapel.

99. Mr. Commissioner Kelly.—To the Castlecaulfield road, the road on towards Omagh?—No, it is more to the south again.

Mr. *Lowry.*—It is the road that passes Mr. Lyle's gate.

Mr. Commissioner Kelly.—The Castlecaulfield road meets the Omagh road, and branches off it. How many yards is the police barrack from the chapel?—About twenty yards. (The witness explained the locality on a map.) The first assault took place when they came into the town. The Catholic party came up and assaulted them.

100. Mr. Commissioner Shaw.—Did he say that the first party had come from the town?—They had passed the barrack. Then they met the Castlecaulfield party and another assault was made on them.

101. The first party had come from Pomeroy, and passed the barrack, where they met the second party?—Yes.

102. Mr. Commmissioner Kelly.—When they met the second party they came back?—They came back.

103. You must only state his evidence?—That is what he said.

104. Mr. Commissioner Shaw.—He had observed them passing—did he go after them?—Yes, he followed them.

105. And before they went to the barrack, coming back towards the town, they were attacked?—They were.

106. That was the first attack?—So far as I recollect.

107. Mr. Commissioner Kelly.—The second attack took place soon after the two parties met?—Yes.

108. Did he state how long it was between the first and second attack?—A short distance.

109. The time?—I cannot recollect—the distance is very short.

110. Mr. *Lowry.*—When they were first attacked did he state whether they retaliated or not?—They did not.

111. Then you stated that Thornberry advised the Protestants to go back?

Mr. Commissioner Kelly.—Perhaps it is necessary for you to put leading questions to the witness; but it would be better not to frame your questions so as to put the answer to them into his mouth.

Mr. Commissioner Shaw.—Strictly speaking you are not cross-examining the witness. Yours is rather a further examination.

Mr. Commissioner Kelly.—Of course you may point to the subject you want to refer to. I leave it to yourself.

112. Mr. *Lowry.*—What did he say?—He called on Thornberry to interfere or reason with the party. There were some other parties in front that appeared to have influence. Thornberry stated that he would do all in his power to remove them.

113. Mr. Commissioner Shaw.—Repeat that evidence.—He called on Thornberry to interfere and reason with the drumming party to leave the town, and advised them to do so. Thornberry said, "We will."

114. Mr. *Lowry.*—Thornberry said that?—He did.

115. Did he state whether the party were about to leave the town then?—They were advancing towards Donaghmore, and when they went the length of the Cross they were attacked again.

116. Mr. Commissioner Kelly.—Did he say where the second attack was?—The first attack was after they passed the police barrack.

117. Where was the second?—At the Cross.

118. Mr. *Lowry.*—Did he say whether he interfered—whether he took any steps to prevent it?—I cannot say. He said that there were different assaults committed when they arrived there.

119. By whom?—By the Roman Catholic party. He did not state that the Protestant party did anything that I recollect.

120. Did he state whether Thornberry assaulted any person or not?—Not to my recollection.

121. You have stated that Reaney assaulted him?—He did not name any party but Reaney who interfered with the constables.

122. Or with anyone else?—Or with anyone else so far as assault was connected.

123. Did he state whether anyone of the Protestants who were summoned did anything except Reaney?—He did not to my recollection.

124. Did he state that they did not?—He did.

125. Did he state that any of the Protestants except Reaney did any act?—He stated they did not, except Reaney.

126. Mr. *Carleton.*—Did Mr. Young, acting for any party, or Mr. Davison, require the magistrates to take down a note of the evidence?—I do not recollect that they did.

127. Mr. *Lowry.*—What did they state that they would do with Reaney?—That they would return him for trial for the assault upon O'Neill while in execution of his duty.

128. Mr. Commissioner Kelly.—Did they say it in open court?—They did.

129. Did you enter that in the book?—I did not enter that in the book. I entered it in the information.

130. They were summoned for an illegal assembly and riot?—They were.

131. And on that book it appears that they took the informations?—Yes.

132. They stated that they would return Reaney for an assault on O'Neill?—They expressed that from the Bench.

133. The summons before them was for an illegal assembly; why did you not enter in the book that Steenson Reaney was to be returned for trial for an assault on O'Neill?—It was not entered. I entered according to their directions.

134. Did they tell you nothing about what you were to enter in the book?—Nothing.

135. What did they mean by saying "return him for an assault on O'Neill"? Was that a verbal statement by them or in the nature of a decision?—I considered it a decision.

136. Who was it who stated it?—The Chairman, Mr. Brooke.

137. Have you not then made a mistake in taking down in the book that informations were granted against Reaney?—No, I did not.

138. Do you mean to say that that was the order made by them?—The order was that informations should be returned to the assizes.

139. For what?—They did not say anything more than that there should be informations against him—that was the order.

140. What, then, do you mean when you say that they stated that they would return him for an assault; do you mean that that was the nature of the order?—That was a statement made when they came out of the room.

141. Was that a decision?—It was a statement.

142. In point of fact, then, it was not a decision?—It was a statement.

143. Did they make any other decision except what was in the book?—No other.

144. Then, when you say that they stated they would return him for an assault, what do you mean?—The statement they made after they came out of the room.

145. Mr. Commissioner Shaw.—The Chairman came out and said that they returned Reaney for an assault on O'Neill while in the execution of his duty?—Yes.

146. Mr. Commissioner Kelly.—Then in point of fact they practically decided that Steenson Reaney should be returned to the assizes for an assault on O'Neill in the execution of his duty. Was that the decision?—That was the statement that they made. They ordered informations against Reaney, and dismissed the case against the others.

147. If they made that statement to you in the nature of an order, why did you not take it down in the book?—I did not take it down further than the informations.

148. You are clerk of the Petty Sessions, and as such it was your duty to take down the order. Did they make that as an order, or did they merely make this order: "Informations granted against Steenson Reaney to next assizes"?—They made the order which I have entered.

149. Then this is the order—"Informations granted against Steenson Rainey to next assizes"?—Yes.

150. Then what did you mean when you said that they stated that they would grant informations against Steenson Reaney for an assault on Sub-Constable O'Neill in the execution of his duty?—That was the statement which they made when they came out.

151. Mr. Commissioner Shaw.—Did they make that as a statement or as an order?—No.

152. Mr. Commissioner Kelly.—Was that the decision of the Bench?—It was a statement.

153. Mr. Commissioner Shaw.—Did the magistrates direct you to make any different return of the order?—They did not.

154. Mr. Commissioner Kelly.—When you had entered this in the book was the book signed?—It was.

155. They saw the entry that you had made?—They did.

156. And after they had seen it they signed it?—It was.

157. That is Mr. George Basil Brooke's handwriting?—It is.

158. Mr. Commissioner Shaw.—Was he the chairman on that day?—He was.

Cross-examined by Mr. *Cochrane*.

159. Do you remember, Mr. Corr, whether Mr. Moore made an opening statement?—He did.

160. Did Mr. Moore make any statement about this party having been in procession, and as to what should be done if that was proved?—He stated the case generally.

161. Did Mr. Moore, in his opening statement, make any observation as to what the duty of the magistrates would be if it was proved?—He hoped they would put a stop to it.

162. Put a stop to what?—To the marching in procession.

163. And the drumming?—And the drumming.

164. Mr. Commissioner Shaw.—Mr. Moore stated that he hoped that the magistrates, by their decision, would put down processions, marching, and drumming?—Yes.

165. Mr. *Cochrane*.—Did he say what the magistrates' duty would be if it was proved in this particular case?—I believe he stated that if it was proved he should send them for trial.

166. Exactly?—If the case was proved.

167. Was it proved by O'Neill that the Protestant party, as we may call them, were drumming on that occasion?—He proved that they were drumming, but he did not state who they were.

168. I am not asking you that?—He stated that they were drumming, and that he was attracted by the sound of the drums.

169. Did he also state what he had done?—He went out and brought another man with him.

170. For what purpose did he go out?—He accompanied them, or followed close to them.

171. Did he say for what purpose he went there?—So far as I understood, he went for the purpose of reasoning with them.

172. What did he say?—Nothing in my hearing.

173. Did he state that he feared—was apprehensive of a collision—did he state that?—Afterwards he did, but when he went out first he only went and joined the drumming party.

174. Now recollect yourself—was it you who wrote the information?—It was.

175. Do you recollect what you wrote yourself?

Mr. Commissioner Shaw.—No; do not let him confuse the evidence that O'Neill gave, with the evidence he can give himself. Confine him to what occurred before the bench.

Mr. *Cochrane*.—When he was examined in court before the magistrates did he say why he went out with his men before an assault took place?—Not that I recollect.

176. Did he say that he did so for the purpose of preventing a collision before any assault took place—did he say that in open court?—I cannot recollect.

177. May he have said it?—I do not know.

178. Did he say anything about having urged one of the horsemen to use his influence with the party to cease beating the drum?—He did.

179. Was that said before or after the assault took place?—I cannot exactly recollect whether there was any assault before he spoke to those men in front.

180. Did he say anything before he spoke to the man on horseback?—There were two men on horseback.

181. Did he mention who they were?—No; I do not recollect that he named who they were.

182. When he was examined did he mention the

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names of the Protestants whom he identified in that procession?—He did.

183. Do you remember how many names he mentioned of persons as having been in that procession?—Six, I believe.

184. Who were they, do you recollect?—Andrew Dilworth was one, Steenson Reaney, George Mullen, James M'Atee, William Stewart, and Henry Thornberry.

185. Did he say whether he observed those men in that procession before or after the assault took place, or both?—He saw them before the assault took place, and after it.

186. Did you hear him say whether he made any observation to that party before any assaults whatever took place?—I cannot recollect.

187. Did you hear him say whether he asked any of the party to cease beating the drum before any assault took place?—I cannot say that; I cannot say whether any assault took place before he asked, but he did ask.

188. Mr. Commissioner Shaw.—But you do not recollect whether it was before or after the assault?—No.

189. Mr. *Cochrane.*—Did you hear him mention Steenson Reaney having caught a hold of him by the breast and shoved him?—He said that he took a hold of him by the breast and encouraged the others to come on in the direction of Donaghmore, where they were proceeding.

190. Did you hear him say that at that time the drum had ceased being beaten, and had commenced again?—They had ceased, and, I believe, he stated that they commenced again, when Reaney took hold of him by the breast.

191. Was that before or after the assault took place?—There were assaults committed before that.

192. Are you sure it was before that?—Oh, yes.

193. Did he say this now—did he—that they went on for about seven yards, when they were met by the Roman Catholic party?—I cannot recollect. He stated that they had passed the barrack when the Roman Catholic party followed and committed the assaults. I do not recollect the distance.

194. Did you hear him say anything about shots and stones?—He stated stones. I cannot recollect shots.

195. Are you certain that you did not hear him say shots?—I am not certain, but I think he stated that there was a shot—the sound of a shot in the direction of Donaghmore.

196. Did you hear M'Elwee sworn?

Mr. Commissioner Shaw.—Will you confine yourself at present to what the first witness stated.

Mr. *Cochrane.*—I thought you were taking them *in globo*.

Mr. Commissioner Shaw.—It is better to have what the first witness stated first.

Mr. *Cochrane.*—The only other answer I want from him is respecting the signature of the Petty Sessions Book.

197. After the magistrates came out of the retiring-room you say that the decision was announced by the Chairman—was that Mr. Brooke?—Mr. Brooke.

198. You then made an entry in your book?—I did.

199. Was it after that that Mr. Brooke signed the book and signed this entry?—It was.

200. And this is the entry?—That is the entry.

201. And the charge here is, that they did unlawfully, riotously, and wantonly assemble at Donaghmore on the night of the 17th day of September instant to the terror of Her Majesty's peaceable subjects, and did then and there commit a riot?—Yes.

202. That was stated in court?—That is the charge.

203. And that is signed in the book?—Yes.

204. When did Mr. Burke sign it?—At the close of the day's proceedings.

205. And in pursuance of that the informations were taken?

Cross-examined by Mr. *Reardon.*

206. Did O'Neill say that the Catholic party had committed any offence before the drumming party came up?—No; I do not recollect that he said that.

207. He did not say that they had assembled?—No.

208. Did you hear him say that they allowed the Protestant party who came from Pomeroy to parade through the town without molesting them?—They had passed a portion of the town.

209. Mr. Commissioner Shaw.—Did he state that?—He did not state that there was any molestation in the town. He did not state that there was any occurrence.

210. Did he say anything about their passing through the town in the first instance?—He did not; he only met them at the police barrack.

211. Mr. *Reardon.*—Did they pass the Cross?—They did.

212. Did he say that after they had passed first they met the second party beyond Mr. Lyle's gate?

Mr. Commissioner Shaw.—He has so stated already.

213. Mr. *Cochrane.*—When was the first assault?—The first assault was before their return.

214. Had not the party from Pomeroy passed through the town before that?—That is what I believe.

Mr. Commissioner Kelly.—Does any other person wish to cross-examine him?

Mr. *Lowry.*—He stated that there were stones thrown. I want to ask him by which party the stones were thrown and where.

215. Mr. Commissioner Kelly.—Did he say by whom the stones were thrown?—By the Roman Catholics.

216. Where?—Between Mr. Lyle's gate and the Cross when they were coming back.

217. You say that he identified six persons whom he mentioned?—He did.

218. You have stated that Steenson Reaney came up?—Yes, and took a hold of him by the breast.

219. Shoved him back, and called on the party to go on?—To go on.

220. Do you recollect did that transaction take place before or after the first assault?—After the first assault.

221. Are you sure that that was O'Neill's evidence?—Yes.

222. Did he say that after Steenson Reaney had acted in that manner what the party did then?—They went on, and when they got to the cross——

223. They marched on?—He told them to cease beating.

224. Did they cease beating the drums then?—They had ceased, and on the encouragement of Reaney they commenced again, so far as I understood.

225. And marched on?—A few yards, and they were re-attacked.

226. Now, with regard to Andrew Dilworth—did he say anything that was done by Andrew Dilworth?—Nothing that I recollect.

227. You stated that he identified him?—Yes.

228. As being of the party?—Yes.

229. Did he say anything that you recollect as to what Andrew Dilworth was doing?—Nothing, only being one of the party.

230. Did the magistrates, when he said that Andrew Dilworth was one of the party, ask O'Neill what Andrew Dilworth was doing?—They might, but I do not recollect.

231. I want to know?—I do not recollect that they put any question.

232. Did the magistrates ask what Andrew Dilworth was doing?—I do not recollect.

233. Is your recollection that they asked nothing about Andrew Dilworth?—I think they asked whether he was identified, but there was nothing against any of the party proved.

234. The same observation applies to the other five?—The other four.

235. They were merely identified as with the party? Yes.

236. Did they do anything?—They did nothing.

237. Did he say that they were drumming?—He said that they were of the drumming party.

238. With regard to Thornberry, you stated that he was one of those who endeavoured to use his influence?—Yes.

239. To cease drumming?—Yes.

240. When was that?—That was after the first assault and before the second or last assault.

241. Are you sure that that transaction of speaking to Thornberry was not before the first assault?—No.

242. Are you sure?—I think so.

243. Those transactions that took place between Steenson Reaney and O'Neill, and what took place between Thornberry and O'Neill were after the first assault?—They were.

244. What evidence did he give with regard to the others? Were they in procession?—They were in the procession. He identified the parties.

245. Did he say anything as to what time it was?—About nine o'clock.

246. In the morning or the evening?—In the evening.

247. Was he asked by the magistrates any question as to what they had in their hands, if they had any arms?—He stated that they had none that he could observe. It was Mr. Moore who put the question when he stated that they had no arms or offensive weapons. He stated that he did not observe any.

248. Did he say that they had none, or that he did not observe any?—Of course they might have had them concealed. He said that he did not observe them.

249. Did he say that they had sticks?—No.

250. When the assault took place did he state that it was with weapons it occurred—with fists or sticks?—I do not recollect that he stated that the drumming party committed any assault.

251. Did he state whether they ran away or defended themselves?—They were in collision with the other party.

252. Did he say so?—The Catholic party came up. The two parties met.

253. When he said that the first party came up and attacked the drumming party, did he say that the Protestant party defended themselves?—I do not recollect that he made that statement.

254. Did he describe what they did?—He said that several of the Roman Catholic party attacked the others at the Cross.

255. Mr. Commissioner Shaw.—What did they do when attacked?—I do not recollect that he said what they did.

256. Mr. Commissioner Kelly.—Did the magistrates ask him what the Protestant party did?—I do not recollect any statement that he made in regard to that.

257. He merely said that the Catholics attacked the Protestants, and no evidence was given by him as to what the Protestants did?—I do not recollect any statement made with regard to what was done.

258. The magistrates did not ask what the Protestants did?—I do not recollect.

259. Did they ask any questions as to what the Protestant party did?—Mr. Moore put several questions.

260. Did the magistrates ask any questions as to what they did?—They put several questions, but I do not recollect the purport of them.

261. Then you do not remember whether any evidence was given on that day as to what the Protestants did?—O'Neill stated that he did not observe them do anything save the music.

262. Did he say whether they ran away?—He did not say.

263. Or that they marched on?—They marched on. Of course they did not march on when they were first attacked, but they did immediately after.

264. Did he say that he was present at both attacks?—He did.

265. And described them?—He did, and identified the parties who were present at the two attacks.

266. Begin at the first attack, and tell me what he said exactly with regard to both parties as well as you recollect.—They were passing the barracks, he said, and went in the direction of Castlecaulfield—the Protestant party—and they met a smaller party with drums returning from Donaghmore. The Catholic party came out from Donaghmore, and attacked them between Mr. Lyle's gate and the police barrack. He reasoned with them and they ceased drumming, and he spoke to Thornberry to use his influence with two men in front. Before they came the length of the cross there was an increase of the Roman Catholic party, and he apprehended that it was more serious.

267. Did he say anything else with regard to the first attack? Did he describe it minutely?—No.

268. You do not recollect?—No; he said that the Roman Catholic party attacked the Protestant party.

269. Did he state whether the Protestant party gave battle?—Not that I recollect.

270. Was there another attack at the Cross?—The parties who were identified at the first attack were identified there again as having assaulted the Protestant party.

271. Did he say whether on the second attack the Protestant party did anything?—No.

272. Did the magistrates ask him?—I do not recollect.

273. Did he say whether the parties defended themselves?—I do not know.

Cross-examined by Mr. *Davison*.

274. Do you recollect my cross-examining O'Neill?—I do.

275. Do you recollect my putting the question to him, how the drumming party behaved in coming into the town, and his reply—"That they were peaceable except the drums"?

276. Mr. Commissioner Shaw.—Do you recollect Mr. Davison putting that question?—I do.

277. Mr. *Davison*.—Did you hear him say in answer to that, that they conducted themselves quietly going through the town?—Yes, he stated that.

278. Do you recollect my asking him did he hear any party tune played in going through the town?—I do.

279. Mr. Commissioner Shaw.—And he stated that there was not?—He did.

280. Mr. *Davison*.—Had they any firearms?—No.

281. Or weapons of any kind?—Not that he observed.

282. Do you recollect my putting this question also: when the drumming party returned from Mr. Lyle's gate, what the Roman Catholic party did?—Yes, he stated that they were attacked by the Roman Catholic party.

283. On their return?—Yes.

284. When they went back towards the Cross what reply did he make?—That they were reinforced—that is, the Roman Catholic party—and attacked the other party again.

285. Did you hear me ask him if the Protestant party did anything—how they conducted themselves?—I do not recollect that he stated that they did anything. They did nothing on the first occasion.

286. And they were not beating the drum on the second occasion?—They were when he reasoned with one of the men to cease the drumming—and after that Reaney told them to go on.

287. There was no retaliation?—None whatever. I do not recollect his statement that there was any.

288. Do you recollect his stating that he got between them?—I do, and endeavoured as far as possible——

289. Mr. Commissioner Shaw.—Did he state the number of policemen who were present?—I think it was two.

290. Mr. *Davison*.—How many police did he say were present?—One besides himself. I believe there was one also in the barrack-yard.

291. Do you recollect did O'Neill mention the words marching or procession at all?—I cannot recollect. I do not recollect.

292. Mr. *Cochrane*.—Perhaps you will ask this question: whether the magistrates asked whether the conduct of the Protestant party on that occasion was calculated to produce animosity?

Mr. Commissioner Kelly.—Did they ask that?—I do not recollect that they did.

293. Do you mean to say that they did not?—They may or may not.

294. Mr. *Cochrane*.—And whether the Protestant party continued to play the music after the assault?—No.

295. After the first assault?—After the first assault

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they continued the music, and then ceased, after the last assault.

296. Mr. Commissioner KELLY.—They continued the music after Steenson Reaney interfered?—Yes, for a few yards.

297. Did they after the last occasion?—They ceased quite.

298. Mr. *Lowry.*—Did you hear Thackaberry examined?—Yes.

Mr. Commissioner SHAW.—Tell us as nearly as possible what he said.

299. Mr. Commissioner KELLY.—Confine yourself to what he said.

300. Mr. Commissioner SHAW.—He was examined by Mr. Moore?—He was.

301. Mr. Commissioner KELLY.—Did O'Neill state to the magistrates that he was apprehensive that there would be a collision if they continued when the Catholics were increasing?—I do not recollect.

302. Did he state that when he cautioned Steenson Reaney not to go on, that he told Steenson Reaney what would be the result?—I do not recollect.

303. Did he tell the magistrates that he himself apprehended a collision if they continued?—I am not sure, but I believe he did.

304. And that he was himself alarmed?—Yes; he said that he apprehended a collision when the Catholic party was increasing.

305. Mr. *Carleton.*—Do you recollect if they asked him whether he was alarmed?—He stated that he was not alarmed.

306. But he was afraid that there would be a row?—Yes. He was not alarmed for himself.

307. Mr. Commissioner SHAW.—Thackaberry was examined by Mr. Moore?—He was.

308. And cross-examined by Mr. Davison?—He was.

309. What did Thackaberry say?—That he accompanied O'Neill on the occasion, and he corroborated his evidence, except as to the number of the party. He stated that he had seen a party come in.

310. Was he with O'Neill the whole time?—He was. He was present when the party came from the direction of Pomeroy, with the music opposite the barrack. He stated that the Castlecaulfield party had met the other party when the attack was made on them, and that an assault was then committed by the other party. I do not recollect the particulars.

311. You say that he said that there was some difference about the number, what was his account?—Not so large as O'Neill's statement.

312. Mr. Commissioner KELLY.—What number did O'Neill give?—I cannot recollect, above 100 I know.

313. Did O'Neill state about the number of the first party?—I cannot say.

314. How many drums had the first party?—I think two.

315. Did he say that the second party was as numerous as the first?—No, not near so numerous.

316. Did he state whether the second party had drums and fifes?—I think one.

317. Did Thackaberry corroborate his evidence in that particular?—He did, the same evidence, and identified some of the parties returned for trial.

318. Did he identify the drumming party?—O'Neill identified all the parties.

319. Do you recollect the names of those that Thackaberry identified?—I do not recollect.

Mr. *Lowry.*—I think you have taken it down that George Mullen had absconded.

320. Mr. *Cochrane.*—Did Thackaberry mention how many there were?—I cannot recollect.

321. Did he mention how many drums there were?—I think the Castlecaulfield party had one; the other party two.

322. May he have said four, besides fifes?—I am not certain.

323. Do you recollect that Thackaberry said that he and M'Elwee had gone down the road a considerable time before O'Neill was with them?—I do not recollect that.

324. Do you recollect O'Neill having said so?—I do not recollect. He may have said so.

325. Did you hear Thackaberry asked what the conduct of the parties was?—I cannot recollect.

326. Mr. *Reardon.*—Do you know the town of Donaghmore?—I do.

327. How far was it from the town had the first party gone to meet the other?—More than three hundred yards. The barrack is at the extreme end of the town.

328. Do you say that the first assault was more than three hundred yards from the town?—I do not say that it was three hundred yards. It was between Mr. Lyle's gate and the town.

329. How far was it?—Two hundred yards.

330. Is it more than one hundred?—I think it is.

331. Between the two?—Between the two.

332. Mr. Commissioner KELLY.—Did Thackaberry state whether he observed any weapons?—He did not state that he observed any.

333. Did he state that they had none?—He stated that they had none.

334. Did he state that they had no sticks?—He did.

335. Had they any banners or emblems?—He stated that they had not; that he would have observed it.

336. Did he say that the nature of their appearance was peaceable?—Yes; he said they were quite peaceable until they were attacked.

337. With the exception of the drumming and fifing and marching he did not observe any riotous conduct?—No, except the music beating.

338. Did he state whether he was present when O'Neill spoke to Reaney?—I believe he was present.

339. Did he give the same account of the transaction that O'Neill did as to Steenson Reaney?—Yes.

340. And in other respects he gave the same evidence?—He did, but not identifying any of the parties.

341. Did he say anything about when the assault took place?—That was after the first attack.

342. You are certain that he swore that?—Yes.

343. And that you are not mistaken?—I could not be mistaken.

344. Was there a third witness examined?—I do not recollect M'Elwee being examined.

345. Mr. Commissioner KELLY.—Then the magistrates having examined the witnesses retired to their room and after some time came out?—Yes.

346. Did anyone address the magistrates?—Mr. Young.

347. For whom?—For the Roman Catholic party.

348. Who was for the Protestant party?—Mr. Davison.

349. Did he address the magistrates after the evidence was concluded?—I do not recollect.

350. Mr. Commissioner KELLY.—What was his defence? Did he cross-examine the witnesses?—He did. His defence was that they were not guilty of a breach of the Processions Act.

351. Any other defence?—I cannot recollect.

352. Then when the case had closed what did the magistrates say with regard to the informations?—That they should be taken by one of their body—by Mr. Lyle.

353. Was a day fixed?—There was, and the parties were all discharged to appear before Mr. Lyle to have the informations taken.

354. That is against the Catholic party?—Yes, and against Reaney.

355. Nothing was done from that day until the 3rd of October. What took place then?—The informations of O'Neill and Thackaberry were taken.

356. Where were they taken?—At Donaghmore.

357. Were they not taken by you?—At Dungannon the informations were taken by me, and the police took them and got them perfected at Donaghmore.

358. When the case was adjourned was a place fixed for Mr. Lyle to take down the informations?—I believe there was.

359. Was a time fixed at which to take them down?—I believe so.

360. What time was fixed?—The 3rd of October.

361. Was a place fixed?—There was.

362. Where?—At Donaghmore.

363. At the court-house?—At the barrack

364. At the barrack?—I am not certain whether it was at his own house or at the barrack.

365. Were you to attend there?—I was not.
366. Did you go?—I did not.
367. Who drew the informations?—It was I.
368. Have you the original informations?—I have not.
369. Where are the original informations?—They were returned to the Clerk of the Crown.
370. You attended at Dungannon to take the informations?—Yes.
371. And arranged that Mr. Lyle should take the informations?—Yes, and the parties changed to another place.
372. Did the parties attend Mr. Lyle on the 3rd of October?—Yes.
373. In the mean time between the 1st and the 3rd of October what did you do?—I drew the informations from the dictation of the two witnesses, O'Neill and Thackaberry.
374. When was that?—Either the 2nd or the 3rd of October.
375. Who was present when you drew the informations?—The two sub-constables.
376. Were any of the magistrates?—No.
377. Where was it?—In my office.
378. Was Mr. Lyle present?—No.
379. In drawing the informations did you take down whatever they chose to state?—I wrote at their dictation.
380. Whatever they chose to tell you?—Yes.
381. Did you ask any questions?—No, I did not.
382. Then you took down on a stamped document whatever they chose to tell you?—Exactly.
383. What did you do with that document?—I got it returned to me from Mr. Lyle.
384. When you had taken it down, what did you do with it?—I gave it to Sub-Constable O'Neill.
385. The two documents?—The two documents.
386. Did you do anything more to them?—No.
387. Until you got them back?—Until I got them back.
388. When?—I am not sure whether on the 3rd or afterwards.
389. How did you get them back?—Through the police.
390. O'Neill brought them back?—Yes.
391. And they were then signed by a magistrate?—They were signed by Mr. Lyle.
392. And those were the documents which you had drawn?—Yes.
393. Was there any erasure in them?—No.
394. Mr. Lyle sent them back to you?—Yes.
395. What became of them?—I forwarded them to the Clerk of the Crown.
396. Mr. Commissioner SHAW.—Is that the usual course when magistrates direct informations to be returned?—Frequently it is done. The usual course is to take the informations in the court. In this case it was not done. It was late in the day.
397. Mr. *Davison*.—Is it customary and usual to make an order to fix a day?—Yes. They were to be taken at Dungannon.
398. Did you return any bail-bonds?—Yes.
399. You had more time to prepare them?—Yes.
400. How many did you forward?—Ten bail-bonds.
401. Mr. Commissioner SHAW.—It was late in the day, and on such occasions it is usual to fix a day?—Yes.
402. Mr. *Davison*.—It was seven or eight o'clock?—Not so late. There was no daylight at that hour.
403. You forwarded the bail-bonds by the policeman?—Not then. The recognizances were taken afterwards.
404. Did you forward the bail-bonds with the informations?—No, I did not.
405. Mr. *Reardon*.—Was it on the 2nd or 3rd of October that you wrote out the informations?—I am not sure.
406. Did the constables put anything into the informations that they had not stated before the magistrates?—I believe not.
407. The matter was fresher in your recollection than it is now?—It was.
408. Mr. Commissioner KELLY.—Did you purport to put in those informations everything that the police had sworn previously, or only those parts that you thought material?—Only what the policeman told me.
409. And that contained his evidence before the Court?—He merely dictated it to me.
410. Was anything said by the policemen that was not put into the informations?—I believe they stated everything that appeared on their examination before the magistrates.
411. You stated that O'Neill and Thackaberry identified some of the Protestant party on the first day?—Yes.
412. The informations do not name the Protestant party?—It names all the parties.
413. Protestant and Catholic?—I believe so.
414. [The copy of the informations was produced.]—Where is the Protestant party named in this?—Steenson Reaney is mentioned, but not the others.
415. Now, you say that in fact all you did acting as Clerk of the Petty Sessions, was to send the informations to the Assizes to be tried?—That is all.
416. Has the nature of the offence anything to do with it?—No.
417. Your duty was to send, and in point of fact you returned, the informations to the Clerk of the Peace?—Yes.

Mr. *Lowry*.—I propose to examine the shorthand writer who took a report of the trial, and then to examine Sub-Constable O'Neill. The reporter took down everything in shorthand, and made a correct copy, and it was printed.

Mr. Commissioner SHAW.—We would rather hear the sub-constable's own account first. Without the slightest intention to do wrong, his recollection might be influenced if he heard the report of the trial read first.

Mr. *Lowry*.—I intend to give in evidence to you the printed instructions issued to and acted on by the magistrates. A question arises whether you will decline the evidence of the magistrates themselves.

Mr. Commissioner KELLY.—We shall examine the magistrates, and they will refer to the instructions.

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Sub-Constable *James O'Neill* sworn and examined by Mr. Commissioner SHAW.

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418. Will you state to the best of your recollection the evidence you gave to the magistrates on this inquiry?—I would wish to do so, but it would be very hard for me to recollect it all.
419. Mr. Commissioner KELLY.—Begin at the beginning, and to the best of your recollection so far as you can, state consecutively what evidence you gave—I mean the evidence which you gave before the bench of magistrates?—About half past eight o'clock on the 17th of September, I heard drums beating in the direction of Pomeroy and Castlecaulfield.
420. In both directions?—In both directions. I directed two sub-constables, M'Elwee and Thackaberry, to go to the Pomeroy road to see who were the drumming party coming into the town.
421. Mr. Commissioner SHAW.—You said all that to the magistrates?—That is as near as I can recollect. In a few minutes they returned. The two sub-constables and I went after the drumming party—that is, the Pomeroy party. That was opposite the barrack in the direction of Castlecaulfield. They were playing on four large drums and two fifes. I placed Sub-Constable M'Elwee as barrack orderly, and I took with me Sub Constable Thackaberry, and followed after the drumming party as far as Mr. Lyle's gate, for the purpose of reporting the circumstance to Mr. Lyle, he being the local magistrate. I met Mr. Lyle's butler at the gate, and he told me he was not at home.
422. Did the party go on beyond Mr. Lyle's gate?—They did. They went on by it to the Castlecaulfield

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party. I returned with the other man in the direction of the barrack.

423. Mr. Commissioner SHAW.—The party went on?—They were halted further down the road when they met the Castlecaulfield party. I did not see them meet.

424. Do not tell us anything that you did not say before the magistrates?—I was not asked the question at all.

425. You told the magistrates the conversation with the butler?—I am sure I did.

426. What did you tell the magistrates next?—I returned in the direction of the barrack, and the two parties returned to the village of Donaghmore. There were two horsemen in the front of the party.

427. Mr. Commissioner KELLY.—At what time of the day was this?—When they passed through it was about half-past eight o'clock; when they returned it was coming up to nine o'clock. They had made a delay when both the parties met.

428. Was it light?—It was dark, but not very dark.

429. Go on and tell us what you told the magistrates?—Between Mr. Lyle's gate and the barrack the two horsemen came up as far as me; that might be six or seven perches. I do not know whether I stated the distance at the Petty Sessions. But when they were advancing I asked one of the men on horseback if any of the party or he had any influence with the party to get them to cease beating the drums till they would leave the town. He said he would, and turned the horse, and spoke to the party.

430. Do you know that man's name?—I do not. He called on the party to cease beating the drums.

431. You heard him say so?—Yes.

432. And you told the magistrates so?—I did. They did quit playing the drums, and stopped for the time, and I asked them not to beat the drums till they would leave the town. Some said they would not. Steenson Reaney then came up.

433. Did you say what the tune was?—I did not. Steenson Reaney came out and caught a hold of me by the breast, and pushed me away, and said they would not stop beating the drums, and called on them to beat on. A man named Henry Thornberry came up to the front, and got before one of the parties that carried the drum, and said that they should cease beating the drums. I asked Thornberry to do all he possibly could to cease the drumming, and he said he would. They then arranged that they would not beat the drums, and they had got on I suppose about seven yards or eight without beating any, and a man named Patrick M'Cluskey and Patrick Connor——

434. Had you that book in your hand with you at the petty sessions?—I took these notes.

435. And used that book before the magistrates as you are using it before us now?—Yes. M'Cluskey shouted for to kill them, coming running forward and struck the man near me, and called out for to kill them. I am not positive whether the words were "kill them" or "kill them every one." That is what I said to the magistrates. I got in between M'Cluskey and the footpath and pushed him away, and said he would have to account for that, or something like that.

436. And you told him he would have to answer for that?—Yes. The whole scene became disordered. That was to keep them asunder as well as it was possible. They went on then; some were beating the drums and some were not, beating on to the Cross. I forgot to state that the Castlecaulfield party had three drums with them. When they went to the Cross the second row commenced there. I saw Patrick M'Cluskey and Connor.

437. Did you mention that to the magistrates?—Yes. At the attack at the Cross I saw M'Cluskey and Connor. I also saw Peter Madden, Peter M'Kenna, John Nogher, John M'Gerr, James Loughnan, Hugh Criggan, and James Gillan. I saw all those parties.

438. What did you see them do?—I saw them strike with their hands, and some of them threw stones. There was a number of the drumming party too, equally striking, but I did not know them and could not know them. The bell in the Roman Catholic chapel was ringing; some parties in the chapel were ringing the bell; Sub-Constable Thackaberry and I went between the parties, and kept them asunder as well as we could. That was in the notes here that they were striking one another. There was a shot fired there.

439. You told the magistrates that?—I did, your worship. I could not tell the party who fired it. I asked the drumming party to leave the town, and asked was there a man of the name of Henry Steinson among them, to take the party away. I was answered that there was no Steinson there. They did leave the town. There were stones throwing from the direction of Church-lane immediately in the direction of the Cross and the town, a little down the roads near the schools.

440. Where is that?—On the Pomeroy road. There was another shot fired.

441. When was that fired?—I think it was about nine o'clock.

442. Was that when the row was going on?—No, when the party was going down the road.

443. Were the parties mixed up?—The drumming party was on the road and the other in the fields.

444. Mr. Commissioner KELLY.—You cannot say from which the shot was fired?—No.

445. Mr. Commissioner SHAW.—Were any of the drumming party in the fields?—I cannot tell. The other party, the Castlecaulfield party, went home past the barracks. The bell was ringing all this time. I went to the chapel, and found it was closed. I crossed the wall into the chapel-yard, and when I went to the chapel door I found it closed. I went for the purpose of stopping the parties who were ringing the bell. I crossed the wall and went to the parish priest's house, Mr. Devlin. I met Miss Devlin at the door, and asked was Mr. Devlin at home. She said not.

446. Mr. Devlin is the priest?—He is the parish priest. I asked was Mr. M'Ilhone, the curate, at home.

447. Mr. Commissioner KELLY.—Did you tell all that to the magistrates?—I think I did; I am not quite sure; I am giving the substance of the case.

448. Mr. Commissioner SHAW.—Do not say anything to us now in reference to the case that you did not say to the magistrates.

Mr. Commissioner KELLY.—We are not asking what the facts were, but what you told the magistrates.

Witness.—I got the key from the priest's sister.

449. Mr. Commissioner KELLY.—Did you tell that to the magistrates?—I did. I opened the chapel-door and went into the chapel, and found James Loughran and James M'Gerr ringing the bell. I asked them for to stop ringing the bell; they said they would not—that they were ringing it to alarm the country and make a Pomeroy affair of it. Then I left the chapel, and took with me Sub-Constable Thackaberry to Dungannon, and reported the matter to the Head-Constable and Mr. Brooke. On the way into Dungannon there was a number of parties.

450. Mr. Commissioner SHAW.—You told the magistrates that?—I did, your worship; coming into the village of Donaghmore with sticks.

451. Mr. Commissioner KELLY.—Are the majority of the inhabitants of Donaghmore Roman Catholics or Protestants?—I cannot say. I think that they are altogether about half and half. I really cannot say. I saw Nogher committing an assault. He had an old spade or an old shovel.

452. Mr. Commissioner SHAW.—You told the magistrates that?—I did.

453. You saw John Nogher committing an assault?—I did. He had an old spade or an old shovel, and was calling on his party to come on; that Lyle was from home and they had the town to themselves.

454. He was of the drumming party?—No; he was of the Roman Catholic party. I should have said that when I left the barrack a number of parties collected at the old grave-yard gate, almost opposite to the barrack door. I cannot say the exact number collected at the old grave-yard gate. I went over and told them to go into their houses, and not interfere with the drumming party. When I passed away from them some distance there was a stone that came past me

from some person from the party, and they said that I would rather be (or ought to be) looking after public houses and orangemen.

455. Mr. Commissioner Shaw.—You told that to the magistrates?—I did, your worship, to the best of my recollection.

456. Is that the whole of your evidence that you gave before the magistrates?—I think so. Did I mention the number of the drumming party?

457. No?—I stated that there were about a hundred in the first party from Pomeroy. They had four large drums and two fifes.

458. What had the second party?—They had two drums.

459. How many were there in it?—About twenty in number. They were not less.

460. Had they any fifes?—No, I saw no fifes.

Mr. Commissioner Kelly.—Any person present may cross-examine the witness.

Cross-examined by Mr. *Lowry*.

461. When the Protestant party came in from Pomeroy down to the barrack, in what way were they conducting themselves?—I think the question was put to me by Mr. Davison. They were conducting themselves very well. They were marching to the music of the fifes and drum.

462. Mr. Commissioner Kelly.—What was your evidence?—I think I said I saw them doing nothing improper. Neither did I.

463. Mr. *Lowry*.—Were you asked before the magistrates whether the Protestant party had arms or offensive weapons?—I was.

464. What answer did you give?—I think I said that they had none that I could see. I think that was the answer that I gave; I am not sure.

465. Were you asked whether they exhibited any party emblems, or did you tell the magistrates whether they did or did not?—I think I was.

466. What did you say?—That they had none that I could see.

467. Were you asked whether they were playing party tunes?—I was.

468. What answer did you give to that?—I said they were not.

469. How many of the Protestant party did you identify as having been present, before the magistrates?—I identified five; I had six summoned. I was as satisfied of Mullen as of any of the other parties. Mullen did not appear.

470. What were the names of the five?—Henry Thornberry, Steenson Reaney, Andrew Dilworth, James M'Atee, and William Stewart. James M'Atee was beating on the drum.

471. You told that to the magistrates?—I did.

472. Did you tell the magistrates what Thornberry did on that evening?—I told the magistrates that he gave me all the assistance he could to stop the drumming, and so he did. I think I said that.

473. He did all he could?—He did so.

474. Did you see him assault any person?—I did not.

475. You told the magistrates so?—I did, sir.

476. Did you see Andrew Dilworth assault any person?—No, sir.

477. Did you see any of the six, except Reaney, commit any assault?—None, sir.

478. Did you tell the magistrates so?—I did, sir.

479. Did any of the parties except Reaney join in either of the affrays?

480. Mr. Commissioner Shaw.—Did you tell that to the magistrates?—I do not think I told them anything about that.

481. Mr. *Lowry*.—You told that you saw them commit no assault or do anything?—I think that is what I told them.

482. The first time the attack was made was between the barrack and Mr. Lyle's gate?—It was.

483. Did the Protestant party retaliate?—I think not.

484. Do you recollect whether you told the magistrates that any of the six persons except Reaney committed a breach of the peace?—I think I recollect the question being put to me by one of the magistrates, and I said no.

485. One of the magistrates asked you a question, Mr. Molony, when the drumming party was attacked did they do anything more than defend themselves?—I said they did. The question was, "When they were attacked, did they defend themselves?" and I said they did.

486. Did you before the magistrates identify any of the parties who so defended themselves?—I did not, because I did not know them.

487. Did you tell the magistrates whether you saw any of the five men whom you did identify take part in collision with the others?—I said not. I told the magistrates that I saw them committing no assault.

Cross-examined by Mr. *Cochrane*.

488. You saw them coming along the road from Pomeroy?—Yes. They were the first of the drumming party.

489. There were about 100 of them?—About 100.

490. With four drums and two fifes?—They had.

491. Can you tell me what the colour of the drums was—were you asked the question?—I am satisfied they were.

492. Were you asked any question before the magistrates as to the colour of the drums?—I was not.

493. You were asked only whether they had any party emblems?—By whom?

494. Were you not asked that below?—Where below?

495. Before the Magistrates?—I was.

496. Were you asked whether they had any party emblems?—I said that they had not that I could see.

497. May I ask you what the colour of the drums was?

498. Mr. Commissioner Shaw.—Was anything asked about the colour of the drums? Did anyone ask you about the colour of the drums?—No, not one.

499. Mr. *Cochrane*.—You were asked if you knew party tunes. Were you asked whether you knew party tunes?—I was not, but I would know a party tune.

500. When you heard that delightful music, you were asked below whether you tried to stop it?—No, I was not.

501. Did you not state that you were?—I did not say anything of the kind. I did not; I asked them to cease the beating of the drums.

502. Was not that the music?—I would call it a sort of music.

503. Were you asked below why you told them to stop the music?—I do not think they did ask me; I am not sure; I know I stated that I anticipated there would be a row or collision between both parties, and I asked them to cease the drums, they did not know that.

504. Mr. Commissioner Kelly.—But you told that as your reason?—I think I did; it is very hard to recollect what I stated before the magistrates.

505. Mr. *Cochrane*.—Were you thereupon asked by the Magistrates if the playing of that music was calculated to create animosity between Her Majesty's subjects?—I think I was not; I think I was asked that by Mr. Young.

506. What answer did you give to that?—I did not give any answer at all.

507. You stated to the magistrates that you apprehended a collision, and that it would take place at that time; did no one ask you then if the playing of the drums was not calculated to create animosity?—I think I was not asked the question by the magistrates.

508. Did Mr. Young ask it?—I think he did; I do not know whether the word was animosity or alarm; I gave no answer; Mr. Brooke said that I was not myself alarmed, and that I could not speak for others. Then Mr. Young's reply was, "You are a warrior."

509. The next thing that happened after that was that Reaney came forward?—Yes.

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510. And you told the magistrates that Reaney did so?—I did.

511. And caught hold of you, and pushed you?—Yes.

512. Was that before or after an assault took place?—Before.

513. After he so pushed you and told the party to go on, did you tell the magistrates whether they went on beating the drum?—I told them that they did; but they stopped for a time, after the collision with the Catholic party. Then some commenced to beat passing the barrack, and some did not.

514. Did you tell the magistrates the names of any of the parties who were so beating the drums after the collision?—I did; I told them that James M'Atee was beating the drum after the collision.

515. You were asked whether you saw the Protestant party striking?—I did not say that.

516. Mr. Commissioner SHAW.—He saw some of the Protestant party striking, but he said that he could not identify any of them.

517. Mr. *Cochrane*.—Now, you say that there was a shot fired. Did you tell the magistrates by whom or from what party?—I did not. I told them that I could not tell what party.

518. Did you hear M'Elwee before the magistrates?—No; he was not examined at all; although I brought him in he was not examined.

519. Did you tell the magistrates whether M'Elwee went to the barrack or went out?—I think I said that M'Elwee was in the barrack.

520. Did you hear any observation as to what M'Elwee saw or heard?—No.

521. Did you hear anything said before the magistrates about M'Elwee having heard a shot?—No; I think not.

522. Did you hear it said in the presence of Mr. Lyle, when the informations were being sworn?—I did not; but he told me himself.

523. Are you sure that you did not hear it told to Mr. Lyle?—I am not sure.

524. Mr. Commissioner KELLY.—Did you say anything about M'Elwee to the magistrates?—I think I told Mr. Lyle myself that M'Elwee heard a shot. I think it was before the Petty Sessions.

525. In your evidence?—Not in my evidence at the Petty Sessions.

526. Was it when he took the informations?—I think it was before it.

527. Mr. *Cochrane*.—Was any question asked by Mr. Lyle as to what he heard about M'Elwee?—He did not. That did not come out at the Petty Sessions.

528. Mr. Commissioner KELLY.—Had you told Mr. Lyle?—I am not positive, though I am almost certain. I will give the reason. The man Thackaberry heard no shot, although he was along with me at the Cross when the shot was fired. He states that he heard no shot. M'Elwee says that he was standing at the door when the shot was fired down the road.

529. Did you tell Mr. Lyle from what party the shot came?—I did not.

530. Where did you tell him that the shot had come from?—I think we were talking about the difference of opinion between the two men M'Elwee and Thackaberry; one heard the shot, and the other did not. I told Mr. Lyle that the shot had come from the Pomeroy road, near the school-house.

531. What party was there at that time?—The drumming party that came on first at that time, and also a number of the other party following them throwing stones. That did not come out before the magistrates.

532. Nothing whatever was said at the Petty Sessions about this. No such question was asked by any of the magistrates?—No; I brought M'Elwee with me here.

533. Mr. *Cochrane*.—Was there anything said at the Petty Sessions about Thornberry having been in the Dungannon riot when Hayden's house was wrecked?

534. Mr. Commissioner SHAW.—Was it said before the magistrates?—I do not think it was; I have no recollection of it at all.

535. Mr. *Cochrane*.—But there was something said about the Pomeroy riot?—There was. I think I mentioned that before the magistrates—but nothing about the Dungannon riot.

536. You identified M'Atee as having beaten the drum?—I did.

537. Did you see any other of the Protestant party beating the drum?—I did not. I did not mention to the magistrates that I saw any of the others.

Cross-examined by Mr. *Reardon*.

538. Was there any disturbance before the drumming party came in?—No.

539. Had any party collected at the grave-yard?—No.

540. Did you apprehend any disturbance before that?—No.

541. But you did apprehend a disturbance when you heard the drum?—I did.

542. They marched across and there was no disturbance?—No.

543. Mr. Commissioner SHAW.—You told the magistrates all that?—I think I did.

544. Mr. *Reardon*.—You went after the Protestant party?—I did.

545. Did you tell them to go home?—I asked them to do so at the Cross.

546. Was that on the first occasion?—On the second.

547. Before that did you ask them?—I told them to cease beating the drums, and requested them to do so and to go home.

548. Mr. Commissioner SHAW.—Did you tell the magistrates how far was it from the barrack that they were first attacked?—Not more than about six perches.

549. Is the barrack in the town?—It is the last house on the Castlecaulfield road.

550. Mr. *Reardon*.—Were they not returning to the town when they were attacked?—Yes.

551. And playing when they were attacked?—No, I did not say that.

552. You had the Orange party summoned, five or six of them, for an illegal assembly?—Yes.

553. Did you identify them as having been in that illegal assembly?—I identified them as having been there.

554. Was not M'Elwee examined?—No. Mr. Moore would not examine him.

555. What occurred about it? Let us have the scene?—I told Mr. Moore, who had the conduct of the case.

556. Mr. Commissioner KELLY.—Do not say it unless the magistrates heard it.—They did not hear it.

557. Nothing was said publicly about him?—No.

558. Mr. *Reardon*.—Did the magistrates require M'Elwee to be examined?—No.

559. Was anything said about M'Elwee at the petty sessions?—No, except what I said to Mr. Moore.

560. Mr. Moore did not examine M'Elwee?—No.

561. Can you state any reason for the appearance of M'Elwee's name on the Petty Sessions Book as a witness?—I cannot.

562. His name was not mentioned?—He was not examined good or bad.

563. Did the magistrates make any remark about it?—No; nothing about M'Elwee at all.

564. Were you asked at petty sessions whether the marching of this party was the cause of the riot?—I think not. I was not asked that.

565. Were you asked any question about that?—I do not know that the question was asked.

566. Mr. Commissioner SHAW.—Were you asked what you thought was the cause of the riot?—I was not—not by the magistrates. I think the question Mr. Young asked, I have a perfect recollection of that.

567. What was that?—If the drumming party had not come into town, would the other party have gone out and met them? I think my answer was that I could not answer that.

568. Mr. *Reardon*.—Did you tell the magistrates that you were afraid of an attack when you heard the drumming party?—No.

Cross-examined by Mr. *Davison*.

569. Are you a Roman Catholic?—I am.

570. Mr. Commissioner Shaw.—Were you asked that question before?—I was.

571. Mr. Commissioner Kelly.—I am asking you what evidence you gave before the magistrates. You said that they had no arms or offensive weapons. Had they any sticks?—I did not observe any.

572. Were you asked by the magistrates whether they had?—I am not sure; I really think they did ask me that.

573. What answer did you give to that?—I think I stated that I saw nothing. It was put to me by some party.

574. When you had identified these six parties as having been present, did the magistrates ask you if you saw Andrew Dilworth doing anything?—I said I saw him doing nothing but marching with the party.

575. Did they ask you whether you saw George Mullen doing anything?—They did not.

576. Did they ask any question about George Mullen?—I think not.

577. Did they ask you any question about William Stewart?—Mr. Davison did.

578. What did he ask?—He asked what did he do.

579. What did you say?—That I saw him do nothing at all.

580. Why did you summon him?—Because he was with the party. They were the only parties I knew. The rest were strangers.

581. Were Dilworth and Stewart marching in procession?—They were marching.

582. Your evidence as to Steenson Reaney was that you went up before the collision and endeavoured to prevent them from drumming; at last they gave it up; that you spoke to two men on horseback;—I am now speaking of the transaction as to Steenson Reaney,—and that he came out from the body?—He did, your worship.

583. And that he seized you by the breast?—He caught me by the breast, and pushed me out of the way.

584. That he called on the party to beat on, and would not cease?—Some of them struck the drum a little.

585. Did the magistrates ask you whether, after Steenson Reaney said that, they continued to beat the drum?—The party did not continue to beat the drum. They would have continued, but Thornberry came to the front.

586. Was the conversation with Thornberry after Steenson Reaney had assaulted you?—At the very moment.

587. Steenson Reaney called on them to march on?—To march on.

588. Did they?—No; because Thornberry came before the first men in front.

589. Then they did not afterwards drum until they were attacked by the Catholic party?—No, I think not, but they were not more than three or four minutes. I said about six or seven yards.

590. When you were asked by Mr. Young whether you were alarmed, did Mr. Brooke interfere? Were you going to answer the question—would you have answered it?—I would.

591. In consequence of his interference you did not answer it?—I did not.

592. Did any of the other gentlemen besides Mr. Brooke take part in the matter?—The magistrates?

593. Yes?—I do not recollect.

594. After you had closed your evidence, did the magistrates ask you any questions?—I think not.

595. Did any one of the four?—I think not.

596. Did they ask about the shot?—I was asked about the shot on my direct examination.

597. Did they ask you anything about M'Elwee?—They did not know anything about M'Elwee being able to prove anything.

598. Did you mention anything about M'Elwee in your examination?—No.

599. You did not state that he heard the shot fired?—No, I did not.

600. Mr. Commissioner Shaw.—You stated that the Castlecaulfield party went home past the barrack?—Yes.

601. Was that soon after?—After the second encounter at the cross. I do not know whether I mentioned it to the magistrates, but it came out.

602. Mr. *Davison*.—As to the alarm—was it fear of a breach of the peace they meant when they asked the question?—I do not know.

603. You were asked whether you were alarmed—was the alarm for a breach of the peace? Of course you were not personally afraid?—No; I was afraid there would be a breach of the peace committed.

604. Was that after the Roman Catholics gathering, and the bells ringing?

Mr. Commissioner Shaw.—You ought to have put that question before. Put the question through Mr. Kelly.

Witness.—The bell was not ringing at the time.

Mr. *Reardon*.—Will you ask him whether his information corresponds with the evidence?

Mr. Commissioner Kelly.—We shall do so presently.

605. Mr. Commissioner Shaw.—You stated that one of the magistrates asked you whether, when the party was attacked at the Cross, they defended themselves?—No, sir, I think I was not asked that question at all.

606. Mr. Commissioner Kelly.—Did the magistrates minutely examine you when you identified the five parties? Did they sift you and examine you as to what each of the parties did?—I think not; I told what I knew about them.

607. Did they ask you any questions beyond the evidence you gave to-day?—They might, but I cannot recollect.

608. When Mr. Moore had closed on one side and Mr. Young on the other, did they sift the evidence and ask questions as we are doing now?—They did not.

609. Did they interfere at all during the cross-examination or ask any questions—you stated one by Mr. Molony, and the other by Mr. Brooke?—That is all that I recollect.

610. Did they ask you any questions about these five men?—I was asked to identify the parties, but I think it was Mr. Young who asked me to identify them.

611. Mr. *Carleton*.—There were five men there, and after the examination you were asked to identify them by Mr. Young?—I was not. I was asked by Mr. Young to identify the Roman Catholic party, and I did so.

612. As to the Protestant party, were you asked to identify them?—I was asked by Mr. Davison, or one of the magistrates.

613. Did you say that the men did anything except walk in the procession?—I did say so, and I say so still. I identified every one of them as being with the party. I stated that I could not charge them with an assault, but I stated what the drumming party did, and identified all except George Mullen, who did not appear, and also Reaney, for committing the assault, and M'Atee for beating the drum.

614. Mr. Commissioner Kelly.—When in point of fact did you see M'Atee beating the drum?—He had the drum at the time they came up, and he carried the drum past the Cross.

615. Did you see him beating the drum after the first assault?—Not after the assault. I said that after the first assault some did and some did not. I know M'Atee beat the drum until the assault on me.

616. After that did you see M'Atee beating the drum?—I think not.

617. Did you tell the magistrates that he had beaten the drum after you spoke to him?—I did not.

618. In fact, did you see him beating the drum after that?—I did not. That is what I stated.

619. Mr. Commissioner Shaw.—What I have taken down is this—Reaney assaulted me before any assault. After the first collision some beat on drums. I told the magistrates that M'Atee did beat the drum after the first collision?—I think I did not state that to the magistrates.

620. Do you say now that he did?—No, not after the first assault.

621. Mr. Commissioner Kelly.—Did they appear determined to march?—They were determined to march through the town.

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622. Did the magistrates ask you that question?—No, they did not.

Mr. *Carleton* objected to any question being asked except as to what occurred before the magistrates.

Mr. Commissioner Kelly.—If you show me that I ought not to do so I will not ask the question, but it appears to me that the inquiry is not limited to the questions which the magistrates did ask, but extends to the questions which they might have asked.

Mr. *Lowry*.—The Crown and both the parties were represented before the magistrates. The magistrates were to hear the case as it was brought before them, and they were bound to assume that every proper question would be asked.

Mr. Commissioner Kelly.—Still I think that it comes fairly within the legitimate scope of our inquiry to ascertain whether they asked any question which it occurs to me that they ought to have asked.

623. When you had given your evidence who was examined?—Sub-Constable Thackaberry.

624. When both those witnesses were examined, what did the magistrates do—did they retire or remain?—They retired.

625. When they came back, do you recollect what they said?—I do. Mr. Brooke stated that the bench was unanimous. I think that was what he stated in returning informations against nine for the assizes.

626. What nine?—The Roman Catholics and informations against Reaney for an assault on Sub-Constable O'Neill.

627. Did they state that that was the order which they made?—That was what Mr. Brooke stated.

628. That Steenson Reaney should be returned for an assault on the policeman?—For an assault on Sub-Constable O'Neill in the execution of his duty.

629. What was the next step taken in the transaction—who took down the informations?—Henry Corr.

630. When was that done?—I think the next day, or a few days after.

631. You went into Dungannon?—Into Dungannon.

632. In whose presence were the informations taken?—Me and Thackaberry.

633. Is it a private office?—The house; his own residence.

634. What did you do—he took down what you said?—He did.

635. When he had taken down what you said, what did you do?—I brought it off with me.

636. Did he give you any other document that you remember—the bail-bonds? What did you do with the informations?—I brought them before Mr. Lyle.

637. Where did you see Mr. Lyle?—He asked us to read them.

638. Did you read them before Mr. Lyle?—No. We read the informations ourselves.

639. Not in the presence of Mr. Lyle?—No.

640. What did you do then?—We swore the informations.

641. Did he ask you whether you had previously read them?—He did.

642. Mr. Commissioner Shaw.—Did Mr. Lyle read the informations?—No, he did not.

643. Mr. *Davison*.—I submitted to the Court that there was no evidence to implicate the other five—you heard me ask the question of the bench before they retired?—No.

644. Do you recollect my submitting to the court that there was no evidence against the six Protestants, save one, produced by the Crown?—I am not sure. I heard it mentioned.

Mr. Commissioner Shaw.—He was asked generally whether the professional men addressed the Bench.

Witness.—I do not recollect it.

645. Mr. *Cochrane*.—Did Mr. Moore say that there was sufficient evidence?—Mr. Moore said that he was able to bring sufficient evidence.

646. Did he after the case was closed?—He said after the case was closed that the whole of them should be returned.

647. Mr. Commissioner Kelly.—Do you recollect what the magistrates said to that?—I think they gave no reply.

648. Was it before the magistrates retired?—No, after they came out.

649. Mr. *Cochrane*.—After the case had closed, and before the magistrates had retired, do you remember Mr. Moore saying anything about sending them for trial?—No, I do not. It was after the magistrates retired.

650. You read the informations before you swore them?—I did.

651. And you saw that they were correct, and in conformity with your testimony?—They were in substance the same.

652. Mr. Commissioner Kelly.—In fact you endeavoured to state in substance the evidence that you gave before the magistrates?—I did—what the parties did.

653. Why did you not say anything about the Protestant party?—Because it was considered by the magistrates that I had no power to say anything against them then.

Thomas Thackaberry.

Sub-Constable *Thomas Thackaberry*, sworn and examined by Mr. Commissioner Shaw.

654. You were examined before the magistrates at Petty Sessions as a witness?—I was.

655. State, to the best of your recollection, the evidence which you gave before them?—About a quarter-past eight o'clock on the night of the 17th of September, I was directed by Sub-Constable O'Neill, the senior Sub-Constable, to go with M'Elwee down to the Pomeroy-road, to see if that drumming party was coming into the town of Donaghmore; and according to his direction, we did so, and met them about twenty or thirty perches out of the town, about fifty perches from the barrack. We returned with them; then we went on till the last of them had passed us, and we returned and went after them.

656. Did you describe these parties to the magistrates?—The parties at that time, to the best of my opinion, were about 200, when we met them there, of men, women, and children.

657. Had they any drum?—They had four drums, that party.

658. Say what you told the magistrates then.—They turned at the Cross then, and went on past the barrack. That was the first party, the Pomeroy party.

659. Where did they go?—Past the barrack in the direction of Castlecaulfield. We came after them on to the barrack. They went on. O'Neill then was outside the barrack door when M'Elwee and I came up. He then put M'Elwee as guard barrack orderly.

660. And he went on with you?—He and I went on in the direction of Mr. Lyle's gate.

661. What occurred then?—We met Mr. Lyle's butler at his gate.

662. Mr. Commissioner Kelly.—Tell exactly what you stated to the magistrates.—O'Neill asked him if Mr. Lyle was at home, and he said that he was not, that he was away somewhere.

663. What occurred then?—The drumming party at that time were about 100 yards forward from the barrack.

664. Had they turned back at that time?—They turned about that time. The Pomeroy party had met the other party. At last, when they came back they were in increased numbers. The whole of the number that we met between the Cross and where we met them first did not continue on. The whole party did not pass the barrack; about the half of them, I think. They stood about the Cross.

665. Tell us now everything that you told the magistrates.—The drumming party turned there about a quarter of a mile from the barrack, and O'Neill and I, as soon as we had done talking to the butler, came back in the direction of the barrack, and we found the

drumming party coming up after us, down in the direction of the barrack.

666. What was the next thing that you told the magistrates?—So we stopped or walked slowly till they overtook us a little nearer Mr. Lyle's gate than the barrack. Before they came up to us, we saw two horsemen just before the drumming party in front of them, and when they came within a perch or two of us, O'Neill went over to them and asked them if they had any influence over the parties to get them to cease beating the drum until they were leaving the town, until they would get out of the town; at that time there was a party of the opposite party, the Roman Catholic party, standing near the corner of the barrack, about seven perches from where O'Neill and the horsemen were speaking.

667. Between the barrack and the town, I suppose?—Between the barrack and the drumming party. Some of the drumming party, when they came up to the horsemen asked them to stop, according to O'Neill's directions. They asked the drumming party to cease. Some of them said they would; some of them said they would not. There was a little row or bustle then between the parties themselves. I cannot say rightly what occurred, but there was some little row between them.

668. Did you tell the magistrates this?—I told them all this and the conversation between O'Neill and the butler.

669. You told the magistrates that some said they would, and some that they would not?—I did.

670. What was the next thing you told the magistrates?—I told them that a number of the crowd came down. They did stop about that time for a few yards.

671. And the other party came down then?—I am not sure whether I did say that the drumming party stopped at that time or not, but about that time the party standing about the barrack came down and opposed them coming into the town. They said that they should not get into the town. I cannot remember whether the drumming party stopped, or whether I said that they had stopped.

672. You do not remember whether you said so or not?—I do not remember it. They did stop for a little time; but whether it was before they were attacked by the other party, I do not know.

673. Did you say anything about Steenson Reaney?—I did not. I said that I did not see him.

674. Did you tell the magistrates that you had seen the transaction deposed to by O'Neill?—I did not see the transaction at all. I did not.

675. What did you tell the magistrates that you saw?—I saw five or six men, or ten, come down from the direction of the barrack, and they attacked the drumming party, and struck at them. O'Neill and I got them stopped there.

676. Mr. Commissioner Kelly.—Before they were attacked by the Catholics had any of the party been drumming?—I am not sure whether they had ceased the drumming when they were attacked by the Roman Catholic party or not. They did cease for a while before; but whether after they were attacked by the Roman Catholic party, or before, I am not able to say.

677. Did you tell the magistrates whether they had drummed between the time they were stopped by O'Neill and the time when they were attacked?—I cannot say.

678. You and O'Neill got them stopped?—We did, partly. They got into a confused state. Some of them beat the drum, and some of them did not; but they moved on after that, and we followed them down to the Cross.

679. What did you say then took place?—That I know James Loughran, one of the men that O'Neill had stopped on the first attack. I saw him striking. Then they were attacked by a greater number at the Cross—the drumming party were—and they had a regular row there.

680. That was what you said to the magistrates?—I am not sure whether it was or not.

681. You must be sure of what you said?—They were attacked by a greater number there.

682. What description did you give the magistrates of what took place?—I saw them attacked, and they fought through each other. The drumming party, some of them said that they would go down the town; some of them said they would not. O'Neill and I got in between them there.

683. Did you tell the magistrates that some of the drumming party said they would go down the town, and some of them said they would not?—I was asked if I saw all that O'Neill had seen. I said that I did not know all the parties that O'Neill knew.

684. Did you tell that to the magistrates?—Nearly that.

685. They were attacked at the Cross by a greater number you told the magistrates?—I said that they were attacked again at the Cross. I am not sure whether I said by a larger number.

686. Did you say that they fought through each other?—I said that I knew James Loughran, John Nogher, James Gillan, Peter M'Kenny, and saw them fighting with their fists there. I forgot to say that I knew Andrew Dilworth, one of the other party, before that, and after the first attack was made.

687. And you told the magistrates so?—I did.

688. Mr. Commissioner Kelly.—You have just stated to us that at the second attack at the Cross some of the drumming party said that they would go through the town, and some said that they would not. Did you tell that to the magistrates?—I am not sure whether I said that to the magistrates or not.

689. Did they ask any question as to what took place?—They did, and all I knew.

690. Do you consider that an important matter for you to state?—I am not sure whether I said that some of them went through the town and some not.

691. Mr. Commissioner Shaw.—You said that you saw Dilworth at the first attack?—He was not in it.

692. What did you tell the magistrates about Dilworth?—That I saw him doing nothing—just standing at the side of the road.

693. You told them that you knew Loughran, and Nogher, and Gillan, and M'Kenny?—I did.

694. Did you tell them what you saw them doing?—Yes; striking with their fists.

695. What else did you tell the magistrates about this second attack?—I said that the number at that time had increased to 250 about. I think that was what I said—the whole number in all.

696. That is of both parties?—Yes.

697. You said that the number of the party at that time was about 200 or 250.

698. Did you tell them anything more that took place at the Cross?—I said that the parties were shouting to come on. I said that the drumming party, some took the Castlecaulfield-road and some the Pomeroy-road, out of the town again.

699. Recollect if you said anything more to the magistrates, and if you did, tell us what it was?—O'Neill went over the wall into the chapel-yard.

700. You told the magistrates so?—To the best of my opinion I did.

701. Did you go with him?—I do not think I said that I went with him.

702. Did you say anything about ringing the chapel bells?—I did. I said that the chapel bells were ringing at that time, and that I heard one shot fired, and that many stones were thrown, but I could not tell what direction they came from. Then O'Neill went to Miss Devlin, the parish priest's sister, and got the key of the chapel. I am not sure whether I told that to the magistrates or not, and then he and I came on here to Dungannon.

703. Were you asked whether you could identify any of the Protestant party as guilty of any riot?—To the best of my opinion I was.

704. What answer did you give?—That I did not see them doing more than beating a drum. I think that is all.

705. Did you say whom you saw beating a drum?—I do not know.

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Thomas Thackaberry.

Cross-examined by Mr. *Lowry*.

706. Did you see any arms?—I did not.

707. Or sticks?—I saw sticks.

708. Were you asked by the magistrates whether you saw any arms or offensive weapons with the Protestant party?—I think I was.

709. What answer did you give?—That I did not. I saw sticks with them and used; but I am not sure whether I said that they were used or not.

710. Did you tell the magistrates whether you saw sticks used, or with the party?—I am not sure.

711. Mr. Commissioner SHAW.—Did you tell the magistrates that?—I am not sure.

712. Mr. Commissioner KELLY.—Did the magistrates ask you? Were you asked by any one?—I cannot say.

713. You do not recollect?—I do not recollect.

714. Did you see them with the Protestant party?—They were fighting through each other.

715. Mr. *Lowry*.—Did you tell that to the magistrates?—I said so; but I did not know them. I said that I saw them fighting through other.

716. Could you know which party was fighting?—Not at the Cross—nor any other man.

717. It was only at the Cross that you saw the sticks?—That was all.

718. Were you asked whether you saw any party emblems?—I was.

719. What did you say?—That I did not.

720. You told them that you saw none?—I did.

721. Were you asked whether they played party tunes?—I was.

722. What did you say?—Not that I knew.

723. Were you asked whether you heard party expressions used?—I do not recollect that.

724. Were you asked whether the Protestants committed an insult, or any one was insulted of the opposite party, except so far as beating the drum went?—I was.

725. What did you say?—I said I did not know. They walked through the town.

Cross examined by Mr. *Cochrane*.

726. Did they march in regular order?—It was not marching in regular order.

727. Or in order something like a step?—No.

728. Mr. Commissioner SHAW.—Did you tell the magistrates that they were not marching in order?—I cannot say.

729. Was the question asked, whether you considered it proper for the parties to be marching through the town with drums and fifes at nine o'clock?—I was not. I was asked whether I thought it was to create disturbance, and I said that I could not say when they were coming into the town first.

730. What was the word used, was it "animosity," or "disturbance"?—To offend or disturb the other party.

731. Were you correct in stating that?—I did not know at that time.

732. Do you mean to say that when the magistrates asked the question—was it the magistrates or one of the attorneys?—I am not sure.

733. When you were asked the question, did you take upon yourself to say that you were then unable to form an opinion?—I did.

734. Were you correct in stating that?—It was my opinion at the time.

735. When did you change, or have you changed your opinion?—Since that I have changed.

736. Since what time?—That was, I think, the first party row I had ever seen.

737. Was it since the petty sessions or before the petty sessions that you changed your opinion about it?—I say that I would not like now to see a drumming party coming into the town, but at that time I did not know the county as well as I do now. I was not more than five or six months here then.

738. I suppose you are not long in the sturdy North?—About three years; but I was in a quiet station till I came to Dungannon this time twelve month. I never met any twelfth of July, but there would be drumming.

739. Was that the time you had the sixty dragoons here?—It was previously.

740. Mr. Commissioner SHAW.—You were asked a question as to whether you considered it calculated to disturb or not; can you explain to me why you went to prevent the party from coming into the town?—I saw that the other party was up for opposing them, and were collecting and saying that they would oppose them.

741. And notwithstanding that you made the statement that you could not say whether it was calculated to create disturbance?—The question put to me was, when they were coming into the town, do you think that their coming into the town tended to disturb the other party, and at that time when I met them I said I did not know.

742. Mr. *Cochrane*.—After you saw the first assault did you then consider that the beating of the drums after the first assault was calculated to create disturbance and animosity? Were you asked the question below?—I am not sure; I do not think I was.

743. Mr. Commissioner KELLY.—After the first assault had taken place, as I take your evidence here, you stated to the magistrates that a few of them did beat the drums?—Some of them did and some of them did not. After that first attack they got into a confused state.

744. You say that O'Neill went over and asked the men on horseback, if they had any influence over the party, to get them to cease beating the drum. At what time was it that he said that?—That was before the assault. The other parties at that time were collected about the barrack.

745. You say that when the horsemen—I have no other way of describing them—went over and asked them to stop the drumming, they did cease?—I said that I could not say whether they did or not. They ceased for a while, but whether after the first attack by the Roman Catholic party or not I could not say. That was my answer, I think.

746. You saw a bustle arise with them. Was that at the Cross or before they got there?—The drumming parties got something confused when they were asked to stop drumming by one of the horsemen.

747. Were you asked then by the magistrates whether the drumming ceased?—It was going on up to that time.

748. Do you know M'Atee?—I did not know him at that time.

749. Did you recognise him at that time?—I said that I did not know him.

750. Did you come into Dungannon that night to see Mr. Brooke? Did you go with O'Neill?—Yes.

751. It was stated at the petty sessions by O'Neill that Mr. Brooke did go out with you to Donaghmore?—Yes.

752. Did you on that occasion hear anything said to Mr. Brooke about M'Elwee having heard a shot from the Pomeroy party?—At the petty sessions?

753. No, before?—I did hear that, but not at the petty sessions.

754. Mr. Brooke, you have said, did go out to Donaghmore—when he did, did you hear that statement made by M'Elwee?—Not before Mr. Brooke.

755. Did anyone else state it in Mr. Brooke's presence?—No.

756. Were you with Mr. Brooke before the petty sessions on any occasion except that night?—I was not.

757. Did you hear anything said before Mr. Brooke about M'Elwee having heard the shot?—I did not.

758. Did you hear it stated in the presence of Mr. Lyle?—I did not.

759. Did you hear it stated in the presence of Mr. Brooke or Mr. Lyle, or both, that M'Elwee saw a gun charged?—I did not hear any such thing in the presence of Mr. Brooke or Mr. Lyle.

760. Were you asked at the petty sessions how many here appeared to be of the Protestant party. You say

that at the Cross the number increased to 250, previously to the parties having become mixed up together—did you say at the petty sessions how many of the Roman Catholic party there were?—I think I was, and I think I said that there were about 100 at first, and that about half the party that came out of the town left it at the Cross, and the other half went on towards Castlecaulfield, and was met by the other party. When coming back there were about twenty or thirty more; about 120 came back.

761.—Were you asked at the petty sessions how many Roman Catholics appeared to have collected when they passed the police barrack?—I was.

762. What answer did you give?—I was not sure; but I said there were somewhere between six and twelve.

763. Mr. *Carleton.*—How many were there at the first attack?—I cannot tell. They were a wild party.

764. Mr. Commissioner Shaw.—Did you tell the magistrates so?—I do not think I did.

765. Mr. *Carleton.*—I believe the Protestants were going quietly?—They got there without any opposition.

766. And the only attack was by the opposite party?—They were attacked after O'Neill and the horseman spoke together.

Cecil Moore, esq., sworn and examined by Mr. Commissioner Shaw.

767. What is your office?—I am Sessional Crown Prosecutor.

768. Did you conduct the prosecution of both these cases before the magistrates?—I did, by order of the secretary from the Castle.

769. Do you recollect which case was first gone into?—My recollection is that the cases were called on in the order they appeared in the book; but that after Sub-Constable O'Neill was sworn, for the convenience of the Court, the evidence was recorded in both cases, and the evidence went generally.

770. The facts of both cases were so intricately woven together that it was thought better to take them at the same time?—Exactly.

771. Before going into the cases, did you make a statement to the bench of your view of the law?—I stated shortly what had occurred, and that I considered that I would be able to make out a case that would justify them in sending both parties for trial at the assizes—words to that effect—I cannot exactly recollect the words.

772. You stated the facts of the case that you thought you would prove?—Exactly. Probably I should state that on receiving instructions from the Castle, I attended at the barrack.

Mr. Commissioner Shaw.—Do not state anything that you did not inform the magistrates of.—No, I will not.

773. Then you examined the witnesses as to what they had seen?—I did.

774. You did not examine M'Elwee?—M'Elwee was sworn, but being barrack orderly, he stated that he knew little about it, and that he did not leave the barrack.

775. And you did not examine him further?—I did not examine him further; that is my recollection. I considered that he could prove nothing that had not been said by the other witness. That was the reason he was not examined.

776. Did O'Neill, the sub-constable, so far as you recollect, give the evidence as he stated it to us to-day?—You heard I think the whole of his evidence to-day.

777. And you examined him andheard his evidence at the petty sessions?—I did.

778. According to your recollection, has he given a fair statement of it?—He has, with one exception, that caught my attention. He stated to-day—I do not know whether he corrected it afterwards or not—he stated to-day that after he went to address the two persons riding in front of the drumming party at the time of his being assaulted, the horsemen spoke to the party who was beating the drum, and that he beat the drum afterwards.

779. Mr. Commissioner Shaw.—He said that they stopped beating the drum for five or six yards?—Then I must have misunderstood him; but I know that what he stated before the magistrates was that when he met them after the two parties had joined, he went down to them and requested them not to beat the drum, or that they should use their influence to prevent them beating the drum, and that they said they would do so, and that Thornberry said that "whatever Mr. O'Neill bid us we will do." Then Reaney came forward, and pushed him out of the way, and said, "Beat on, boys."

780. Then did he say whether they did?—They did not.

781. Mr. Commissioner Shaw.—That is the substance of what he said?—Yes; I understood that O'Neill's evidence to-day was that.

782. Mr. Commissioner Kelly.—Is there anything else—anything that he forgot?—Not generally. I know that one question was put to him before the magistrates. I remember asking what did these men do, or what did that man do, repeating the names. For instance, he said that Stewart did nothing but beat the drum. Dilworth did nothing. I forget his answer as to M'Atee; but they were all answers of the same description, that he could identify them as doing no act. Dilworth did nothing, was his reply.

783. When the evidence had closed, before the magistrates retired, did you address the bench?—I did not. Mr. Davison called no witnesses, but merely made remarks on the evidence which had been given.

784. What remarks?—He merely said that the evidence of O'Neill—he first cross-examined O'Neill, and after the case had closed, he said that the evidence of O'Neill acquitted his clients of the charge. He asked him had they arms or bludgeons.

785. When he said that, did you make any observations in reply?—I do not recollect, I may have made some observations, but there was nothing of importance.

786. Did you say that you did not go with them?—I believe I did say that I thought I had made a case.

787. Mention what you said about it?—I do not recollect the words I used.

788. Mr. *Davison.*—Was it Stewart or M'Atee who was beating the drum?—I do not pretend to recollect the parties.

789. Mr. *Carleton.*—In proceedings before the magistrates at petty sessions the Crown is not entitled to say a word in reply?—I did not refer to the Act, nor what the question discussed, but it is not the practice usually.

Cross-examined by Mr. *Cochrane.*

790. You know, Mr. Moore, you like to have the last word, had you it on this occasion?—Probably I had.

791. Do you not think it exceedingly probable that you told them that in your opinion there was a sufficient case to send the parties to trial?—If I said anything I have no doubt I did.

792. Mr. Moore, you are the attorney for the magistrates in this case?—No, sir, neither one way nor the other.

793. You are not acting for them?—Not at all.

794. I think you are slightly inaccurate as to M'Elwee?—I may be.

795. You cannot say whether he was sworn?—I think he was sworn on the book here.

796. Mr. Commissioner Kelly.—I was first surprised when I saw the entry of the witness's name in the book, but if he was sworn, though not examined, that would account for it?—I am aware that he was not examined.

797. Mr. *Cochrane.*—Before the petty sessions, had you any conversation with the magistrates. Did you mention M'Elwee's name to them?—No.

798. Did you state to the magistrates that M'Elwee saw any of the parties charging a gun?—No.

799. Or did you hear from any of the magistrates

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that such was the case?—No, I never heard of the shot except from O'Neill.

800. You did not hear that M'Elwee heard a shot?—I did not.

801. Mr. Commissioner KELLY.—You are aware that the summons was not for an offence under the Party Processions Act?—I am aware of that.

802. But for a misdemeanor at common law?—It was for a riotous assembly.

803. You have had experience in criminal law. How long are you Crown Prosecutor?—Nine years.

804. You know the distinction between a summons for misdemeanor at common law and a summons for violating the Party Processions Act?—Certainly.

805. Did you explain to the magistrates the distinction between a charge for misdemeanor at common law and a charge for violating the Party Processions Act?—I think they were perfectly aware of it; I thought so; the evidence was all to that effect.

806. Did you, in your opening statement, or in any part of the proceedings, explain the difference, because there is a great difference between the summons for the offence at common law and a summons for a violation of the Party Processions Act?—I thought it entirely unnecessary; I thought the magistrates were aware of it.

807. How did you know that?—Such cases come before them constantly.

808. Do they know the distinction between the two?—Perfectly. I am sure that they had perfect experience in both cases, and that they knew it just as well as I do.

809. Did you hear two or three witnesses who swore here that they came into court and said that they would return Steenson Reaney for an assault on Sub-Constable O'Neill in the execution of his duty?—I did.

810. Do you know the difference between returning informations for an assault on a constable and an asssult at common law?—I believe so. There is an old Act of Parliament——

811. Have you seen the Petty Sessions Book where this case is entered?—No.

812. In one column the charge is for a misdemeanor at common law—that is taken from the summons?—Yes.

813. Look at the next column. Do you see an entry by the clerk there?—I do.

814. Is that not an order for informations on the charge brought before them?—I would take it for granted that the informations were returned for the charge there stated; but having heard what——

815. What do you mean by returning informations for a particular offence?—There is a summons and a charge, and informations are taken.

816. Do the informations, when they are taken, contain the charges?—They do. At the commencement they state so-and-so stands charged with so-and-so.

817. This information does not do that (Mr. Kelly referred to the information)?—It is wrong if it is so. That is not the correct form. It should state on the face of it that the party stands charged with so-and-so.

Mr. *Cochrane.* I think Mr. Moore is thinking of the form of recognizance. Here is the statutory form of the information.

818. Mr. Commissioner KELLY.—If Steenson Reaney was returned for an assault on a constable in the execution of his duty, should it appear in the order book?—I should say so. I never saw the information after the order was made here.

819. It is no part of your duty to see that the information is properly drawn up?—I believe not; but the recital of them should set out the offence.

820. You have not seen the informations since?—Never. They were taken three days after I left this. It was arranged, and I consented to the arrangement. It was late at night when the case closed, and the number of bail bonds that had to be filled up would have occupied a long time. It was then arranged that the parties should appear before Mr. Lyle, and that informations should be taken, and the recognizances entered into on a day fixed.

821. Mr. Commissioner SHAW.—Was that done with the consent of all parties?—It was.

822. Mr. *Carleton.*—Are you aware that informations could be taken though not entered in this book?—I believe it could be done without a summons.

823. Mr. *Cochrane.*—You say that you did not explain to the magistrates the difference between the two charges?—I say that the magistrates were perfectly aware of the difference between a breach of the Processions Act and the common law offence of an unlawful assembly.

824. Do you remember on the 18th of September last year, the magistrates trying a similar case?—I do not know. I had nothing to do with it.

825. Did you hear of it?—I am sure I heard of it.

826. But you were not present at it?—I was not present at all.

827. You do not consider it part of your duty to see that the informations are drawn up after the case is closed?—I only attend at Petty Sessions to prosecute by order, and only by order from the Castle, and I do not attend in any other cases. I recollect Mr. Brooke saying in this case, that as there was no riot Steenson Reaney could not be connected with one.

828. Mr. Commissioner KELLY.—And, therefore, that the information should have commenced with, "stands charged with interfering with the policeman in discharge of his duty"?—Certainly, from what was stated from the Bench at the time.

829. Did the magistrates agree in the decision?—They did.

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The Commissioners sat at 10 o'clock.

Mr. *Lowry.*—M'Elwee, whose name was mentioned yesterday, will be in attendance in the course of the day.

James O'Neill.

Sub-Constable *James O'Neill* was recalled and examined by Mr. Commissioner KELLY.

830. Is the town of Donaghmore a large town?—No, a small village.

831. About how many inhabitants has it?—I dare say there may be 500 or 600.

832. Does the town run from the chapel? Is the chapel in the town?—It is.

833. The houses run up from the chapel?—Yes, on both sides.

834. There are two gates to Mr. Lyle's residence?—Yes.

835. The gate where the butler was?—That is about 150 perches from the town.

836. And the Pomeroyroad and the Castlecaulfield road form an angle?—Yes.

837. The police barrack is on the Castlecaulfield road?—It is.

838. The Cross is a little more towards the Pomeroy road?—Yes, the road goes from that through the town of Donaghmore.

Mr. Lyle described the locality, referring to the Ordnance Survey Map.

839. Mr. Commissioner KELLY.—How far is the chapel from the police barrack?—About three times the length of the court.

840. Mr. *Cochrane.*—Will you allow me to ask one question of O'Neill. The question is whether summonses were issued for the Petty Sessions for witnesses to be examined to prove that this procession was calculated to create animosity, and whether it was known to the magistrates.

841. Do you know whether Mr. Lyle or any of the magistrates were aware that parties had been sum-

moned? Do you know any parties who were summoned as witnesses in this case?—I do.

842. Do you know whether persons of the name of Maunsel and M'Causland were summoned?—I do.

843. Were they summoned?—They were.

844. Who was the magistrate who issued the summonses?—Mr. Lyle.

845. At whose instance were the summonses issued?—Mr. Lyle ordered them to be summoned.

846. Did you hear Mr. Lyle state, or did you hear it stated in his presence, what these parties were to prove?

Mr. *Davison* objected to the question.

Mr. *Cochrane.*—I put the question to test the *bona fides* of the proceedings.

Mr. *Lowry.*—The prosecution was conducted by the Law Officer of the Crown. Both parties were defended by their respective solicitors. The Crown Solicitor was the party who conducted the prosecution, not the magistrates.

Mr. *Cochrane.*—It is material to know if the magistrates were cognizant of the fact.

Mr. Commissioner SHAW.—The inquiry is into the conduct of the magistrates, and it appears to me that every act of the magistrates in reference to the transaction may fairly be brought before us. This is an act of one of the magistrates who directed the summonses to be issued.

Mr. *Lowry.*—On the part of the magistrates I wish every inquiry to be made.

847. Mr. Commissioner SHAW.—Were the summonses served?—They were.

848. Mr. *Cochrane.*—Did they appear?—They did.

849. They were in court on the hearing of the case at the petty sessions?—They were. It was Mr. Moore who filled the summonses.

850. Mr. Commissioner SHAW.—I have taken down that they were summoned by order of Mr. Lyle?—Both Mr. Moore and Mr. Lyle were present at the time.

851. The summonses were procured by Mr. Moore?—They were filled by Mr. Moore.

852. Was it Mr. Moore who applied for the summonses?—I do not know.

853. Mr. *Cochrane.*—Did you hear it stated by Mr. Lyle, or in his presence, for what purpose these two persons were to be examined?—I think it was stated that they were to have proved that a riot did occur.

854. What were they summoned for?—To show the disorderly state of the town that night.

855. Was it said in presence of Mr. Lyle that any person should be examined for the purpose of showing that a party coming into the town would create animosity?—I do not recollect that.

856. Might it have been said without you hearing it?—I cannot say that, but I know the object of summoning them.

Mr. Commissioner SHAW.—Do not state anything that you know unless it was stated in Mr. Lyle's presence.

857. Mr. *Cochrane.*—Who suggested these names?—It was myself.

858. I suppose they were respectable people?—They were two respectable men who had no party feeling on one side or on the other.

859. Whom did you suggest it to?—To Mr. Moore and Mr. Lyle.

860. Were you in Dungannon last year?—I was.

861. Did you see Mr. Lyle there on a particular day when a party of dragoons was there?—I did.

862. Do you know about how many dragoons were there?—

Mr. *Lowry.*—Objected.

863. What day was it?—On the 12th of July last.

Mr. *Lowry.*—The magistrates are present, and it would be satisfactory that they should be examined.

Mr. *Cochrane.*—They threatened last night not to examine Mr. Lyle.

Mr. *Lowry.*—We did no such thing.

864. Mr. *Davison.*—These two witnesses were summoned?—Yes.

865. The summonses were applied for and got?—Yes. There was a talk over the matter.

866. Were they in attendance?—They were, but they were not examined.

867. Mr. Moore conducted the case?—He did.

Edward Cardwell, esq., sworn, and examined by Mr. *Lowry*.

Edward Cardwell, esq.

868. You were connected with the press?—Yes.

869. A short-hand writer?—Yes.

870. Were you at Dungannon Petty Sessions on the 1st of October last?—I was.

871. Did you take a short-hand note of what occurred?—I did.

872. Have you your short-hand notes here?—I have not.

873. What became of them?—I destroyed them. Unless we expect something to occur afterwards we destroy our notes after writing them out.

874. Mr. Commissioner SHAW.—After transcribing them?—Just so.

875. Mr. *Lowry.*—Did you transcribe those notes?—I did.

876. When?—On that night, immediately after returning home.

877. Have you the transcripts of them?—I have not.

878. Where are they?—I telegraphed for them and I got no reply.

879. Mr. Commissioner KELLY.—When did you last see them?—Not since the occurrence; I am afraid they are lost.

880. Where did you reside then?—I was reporting for the *Belfast News-Letter*.

881. Was a correct copy of your transcript published?—It was in the *News-Letter*.

882. Mr. *Lowry.*—Did you hear O'Neill's evidence given here yesterday—did he give a correct account of the evidence?—To the best of my recollection it was substantially correct, the same as was given in the *News-Letter*.

883. Were you desired by anyone yesterday to go for your notes. Did you hear the conversation here about them yesterday?—I did.

884. Did you hear that we were anxious to give the notes in evidence?—I did.

885. Did you go to Belfast for them last night?—I did not. I presume that the notes are not in existence. The transcript might be.

886.—Mr. Commissioner SHAW.—Do you think that it is in existence?—It may be in existence.

Mr. *Lowry.*—We desired the notes or transcript to be procured.

887. Mr. Commissioner SHAW.—Have you had any answer to the telegram?—I have not.

888. What time should they have come?—They should have come by post.

889. What telegram did you send?—To search and find, if possible, the transcript of the short-hand notes of the Dungannon Sessions.

890. Mr. *Lowry.*—Where did you send the telegram to?—To the *News-Letter* office.

891. Mr. Commissioner SHAW.—Was a copy of that which you transcribed published *verbatim*?—It was, carefully. I read it.

892. Were the very words published?—The very words which I wrote. I read it the next morning. I would know if any were omitted or put in.

893. Mr. Commissioner KELLY.—Did you transcribe the very words, as well as you could, from the notes you took in court?—No, sir, I abridged.

894. Mr. *Cochrane.*—Was it reported elsewhere?—I did not see it reported in any other newspaper.

Mr. Commissioner KELLY.—We do not wish to have anything suppressed. We are anxious to have every information. If you think that you can give that document in evidence we will receive it.

Mr. *Cochrane.*—I object to its being received. Yesterday we proposed what was very fair to the gentlemen

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on the other side. They have copies of the report printed in a pamphlet. We said that if they would let us examine it, if we found it satisfactory, we would not object to its being put in evidence.

Mr. *Lowry.*—I never heard of that before.

Mr. *Cochrane.*—I asked yesterday morning, and said if that was done I would not object to its being given in evidence.

Mr. Commissioner SHAW.—I do not know that that document which you referred to is the same as that given in the newspaper.

Mr. *Davison.*—It is the first I heard of the offer.

Mr. Commissioner KELLY.—It is not too late to accept it now.

Mr. *Reardon.*—The report in the *Northern Whig* was taken from this gentleman's notes.

Mr. *Lowry.*—I would ask for some time to look at the report in the *Whig.*

Mr. Commissioner KELLY.—That would be fair. We are anxious to get everything which will throw light on the inquiry.

Mr. *Lowry.*—Shall I examine it now, or postpone it to a later period.

Mr. *Cochrane.*—The Commissioners said that they would examine the gentlemen who would give evidence from recollection.

Mr. *Lowry.*—But they also said that they would rather have the short-hand writer's evidence first.

Mr. Commissioner KELLY.—We will adjourn for a few minutes, and perhaps the parties may agree on either of the reports as substantially correct.

The Commissioners retired for twenty minutes.

On their return into Court,

Mr. Cochrane said—We have compared the reports of the *Belfast News-Letter* and the *Northern Whig*, and they are quite different, although it appears that they were both taken by the same reporter. How can he have given both reports? There are one or two important differences between them.

Mr. Commissioner SHAW.—You had better ask himself.

Mr. *Cochrane.*—We consider that both reports are inaccurate.

Mr. *Lowry.*—I take it for granted that the report in the *Northern Whig* is favourable to us and unfavourable to them; however that may be, for reasons best known to themselves they refuse to admit it.

Mr. Commissioner SHAW.—You had better examine the reports and see how far they are counterparts.

Mr. *Reardon.*—There is plenty of time to get the MSS. from Belfast.

Mr. *Davison.*—I think it will be impossible to get them. Both are daily papers.

Mr. *Lowry.*—The witness has stated that he heard O'Neill's evidence yesterday, and that it is substantially correct.

895. Did you read the report in the *Northern Whig?*—I did not.

Mr. Commissioner SHAW.—The witness has said that every word of what he transcribed was published; that he read it the next morning, and it accurately corresponds with what he transcribed; but what he transcribed was an abridgment from his notes.

896. Is that so?—Yes, sir.

Mr. *Cochrane.*—He may look at the notes themselves to refresh his memory, but not at the newspaper. He does not say that he compared them.

Mr. Commissioner KELLY.—I have considerable doubt whether you are entitled to read this, or that the witness can even refresh his memory with it, on the ground that it is a copy of his own transcript which is in existence. I doubt whether he is entitletd to look at it. At the same time Mr. Shaw is disposed to admit it, and I will yield to his opinion. My own opinion is, that it is not strictly legal evidence of what took place, first, on the ground that it is a printed copy of the witness's own abridgment, and secondly, because if the abridgment itself was here, I do not think it would be evidence of what took place. But this is not strictly a court of law. We are here to inquire into a certain matter, and we ought to allow considerable latitude.

Mr. Commissioner SHAW.—The document is not evidence of itself, but I think that the witness may be allowed to refresh his memory by it. He says that it is a verbatim printed copy of his own abridgment. You are at liberty to ask any question to show that it was not fairly and accurately transcribed.

897. Mr. *Cochrane.*—You are, I believe, in the employment of the *Belfast News-Letter*?—I was.

898. You took a report on that day for the *Belfast News-Letter*?—I did.

899. Did you take an accurate report of what took place at the petty sessions on that day?—I did, and made an abridgment of it.

900. How many abridgments did you make of it?—Only one; my recollection is that the reporter for the *Northern Whig* was absent for one or two hours, and I gave him my notes to copy, and I think he took the continuation of the case for himself.

901. Mr. Commissioner KELLY.—The continuation of it?—Yes.

902. Mr. *Cochrane.*—Then, as I understand you, the first part of the report was from your notes, and the latter part from some other reporter?—Yes.

903. Did you give him a copy of what you had taken—the early part?—My recollection is that I did.

904. Was that copy that you gave him exactly similar to your own?—I did not give him any copy; I handed him my own transcript and he copied it.

905. Mr. Commissioner KELLY.—Was that transcript published by the paper?—No.

906. Mr. Commissioner SHAW.—Was it made on the next day?—The very day.

907. Mr. Commissioner KELLY.—Did you make the transcript while the case was going on?—Certainly.

908. You made the transcript in court on that day?—I think a portion of it.

909. The part abridged was published in the newspaper?—Yes.

Mr. Commissioner SHAW.—You will be able to make every portion of the report in the newspaper that you allude to evidence, if this gentleman can state from his recollection that it was in his note.

Mr. *Davison.*—I have no objection, as representing the drumming party, that Mr. Cochrane should take up the *Whig*, even though it is against me. I am not afraid of it.

910. Mr. *Cochrane.*—Did you see the report in the *Northern Whig?*—I did not.

911. But you said that you saw the report in the *News-Letter?*—I did.

912. You read it?—I did.

913. Did you always read the reports?—Yes. I read every report carefully before it goes into the paper.

914. Mr. Commissioner SHAW.—This is the report?—Yes.

915. Did you correct the proof?—My impression is that I did. I will not swear positively, but that is the rule.

916. Mr. *Cochrane.*—You correct the proofs?—Generally we do.

917. You say that you gave an abridgment of this case?—Yes.

918. Was any part suppressed which would be against the drumming party?—Certainly not; nor that would tell against either party.

919. Do you mean to say that you did not colour the report?—I swear positively I never coloured a report in my life.

920. Or polished it in favour of one party or the other?—I have sworn that.

921. Does the editor?—The editor does not alter the reports.

922. Mr. *Lowry.*—Having that paper before you which you say is a correct printed copy of your transcript, will you tell the Commissioners what evidence was given before the magistrates at the petty sessions?—Further than what you see in the paper I cannot swear positively.

923. Mr. Commissioner KELLY.—On reading that paper, looking at it to refresh your memory, are you able to swear to the best of your belief to anything it contains relating to the case at the petty sessions?—I am.

924. Mr. Commissioner SHAW.—Does the paper purport to give O'Neill's evidence?—It does.

925. Can you swear positively that O'Neill's evidence is correctly given there?—I can swear positively; and I do swear that it is almost word for word with the paper before me; for I may state that yesterday, while O'Neill was being examined, I had the paper before me, and his swearing was almost word for word with the paper before me.

Mr. Commissioner KELLY.—Is there any other matter which you wish to prove through this gentleman?

Mr. *Lowry.*—What I wish to establish is that O'Neill's evidence, as he gave it yesterday, is strictly correct.

926. Did you hear Thackaberry's evidence?—I did; but I have an indistinct recollection of it.

927. Mr. Commissioner SHAW.—Had you a report of it in the paper?—I had a short report of it.

928. Mr. *Lowry.*—Did you report Thackaberry's evidence *in extenso?*—I do not recollect. I do not think I did.

929. So far as Thackaberry and O'Neill concurred?—I did not take that.

930. But where Thackaberry contradicted O'Neill?—I would take that, but where he corroborated him it was unnecessary.

931. Now can you state whether in any and what respect Thackaberry differed from O'Neill?—My recollection is that Thackaberry was not able to identify the men as O'Neill was.

932. Mr. Commissioner SHAW.—You are giving that from your own recollection?—From my own recollection.

933. He did not identify the men as O'Neill did?—No.

934. Did he differ from O'Neill in any other respect, do you recollect?—I think there was nothing material in the evidence of difference between the two constables.

935. Do you recollect whether M'Elwee, the third constable, was sworn?—No; my recollection is that he was not.

Mr. Commissioner SHAW.—I would like you to ask him if he can tell us what O'Neill said as to what took place.

Mr. *Lowry.*—Will you just repeat O'Neill's evidence so far as you recollect it, refreshing your memory with the paper?

936. Mr. Commissioner SHAW.—Do you recollect O'Neill's evidence as to this part of the case, when the procession came up to him?—No, sir; I have no distinct recollection of it.

937. Have you an accurate report of it?—Yes, sir; I swear it is substantially correct.

938. Look at it before you read it out. Look at that portion of the report.

Mr. *Cochrane.*—He says that he does not recollect it.

Witness.—I see the portion of the paper in which he refers to meeting the men on horseback.

939. Can you take upon yourself now to swear that that is a perfectly true and accurate report of O'Neill's evidence as to that transaction?

Mr. *Cochrane.*—It is better to repeat the words. The question asked would be putting the paper in evidence. I submit that having read that he ought to state what he recollects.

Mr. Commissioner SHAW.—Read it, and having read it, state whether it is correct.

(The witness read a part of the paper to himself.)

940. Can you swear positively that it is correct?—I cannot swear positively, but to the best of my recollection it was.

941. If you took down the words verbatim, and transcribed them verbatim, and published them, and read them the next day, can you not swear positively to the language of it?—I cannot swear positively.

942. Unless you can prove the words positively it is better not to have it?—Well, sir, I cannot.

Mr. *Lowry.*—He states that he was at the petty sessions, and that he heard the cases discussed, and that O'Neill's evidence is correct.

Mr. Commissioner SHAW.—I heard that. It is not necessary to say what every person in court believes, that O'Neill's evidence was a perfectly true account of what took place.

943. Mr. *Davison.*—You were present at the petty sessions?—I was.

944. You heard me cross-examine O'Neill?—Yes.

945. You took a note of it at the time?—Yes.

946. At the time you took the note did you take it correctly?—I believe I did.

947. Did you return a corrected note of your report that night?—I did.

948. Of the cross-examination of O'Neill?—I did.

949. Was that a correct report of the cross-examination on that day?—I believe it was.

950. From reading the cross-examination is that opinion confirmed?—I believe it is fully confirmed from reading the cross-examination over.

951. Where were you sitting?

The witness described where he and Mr. Davison were sitting in the court.

952. You had a full opportunity of hearing the questions and answers?—I had.

953. On your oath, did you not take them down?—I took down all that I considered necessary—that is, all that was of importance, and bore particularly on the case.

954. Did you make any change in the report before you sent it forward?—No.

955. No change whatever?—No.

956. You sent it as you had taken it down in the court-house?—I believe so.

957. Mr. *Cochrane.*—You took down what you considered important?—I took it down in the usual way, having heard of the case before. I took down what I considered the substantial or interesting part of the case.

958. Mr. *Davison.*—Can you tell me, after reading the report and refreshing your memory by it, the reply that O'Neill made to me?

Mr. Commissioner SHAW.—To what question?

959. Mr. *Davison.*—Do you recollect my asking him how the drumming party conducted themselves?—I recollect distinctly that he said they conducted themselves quietly. I recollect that O'Neill, in answer to Mr. Davison, said that the drumming party were conducting themselves quietly. He asked how they were conducting themselves, and the reply was, that they were quiet.

960. Did you hear me ask O'Neill whether they played any party tunes?—I did.

961. What was his answer?—He said he had heard none.

962. Up to the time they were attacked, did he say he saw weapons in the hands of the drumming party?—I cannot swear positively.

963. Mr. *Reardon.*—Did you hear him asked this—Did not the drumming party excite fear and alarm?—My recollection is, that he replied that they did not alarm him.

964. The precise question was whether they alarmed the inhabitants?—My recollection is, that Mr. Brooke said that there was no use in further answering the question, because he had already answered it. But I cannot swear positively.

965. Mr. Commissioner KELLY.—Are you sure that the magistrate did not say "He can answer for himself, and not for others?" As well as you recollect, what did Mr. Brooke say?—There was a question, I remember, asked one of the constables, O'Neill, if he was alarmed about it, and my impression is that he answered that he was not alarmed. I think some person asked were the inhabitants alarmed, and on that Mr. Brooke stated that he could not answer for other parties, that he had already stated that he was not alarmed.

The witness assented.

Mr. *Lowry.*—It is clear he should not have allowed that question to be answered.

Witness.—Mr. Brooke made the observation, that he could not know what was passing in the minds of the other inhabitants.

966. Mr. Commissioner SHAW.—Was this question put?—Whether his belief was that the coming of that

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party into town was calculated to excite alarm in the minds of the inhabitants?—I do not remember the words "calculated to excite alarm."

967. Mr. *Reardon.*—Did you hear Mr. Young press O'Neill for his belief as to whether it excited alarm?—Yes, I recollect his pressing that.

968. Did you hear Mr. Brooke interfere then?—I cannot remember whether the magistrates interfered, but I think it was interfered with by some person.

969. The question was not answered?—No.

970. Mr. Commissioner KELLY.—When you say "interfered," do you mean with the question?—Yes.

971. Mr. Commissioner SHAW.—Was the question as to his belief whether it was calculated to excite alarm?—I do not remember the word "calculated."

972. I will read you my note. I heard O'Neill asked if the conduct of the drumming party excited fear and alarm, and he said that it did not alarm him. I think some one asked him were the inhabitants alarmed, and Mr. Brooke said he could not answer that. It was Mr. Brooke who said he could not answer for the inhabitants. I do not recollect his being asked if it was calculated to alarm.

973. Mr. Commissioner SHAW.—The last question put was, whether O'Neill was not pressed as to his belief, and he says he was.

Mr. *Reardon.*—His answer was that he was prevented by the Bench or by some other person.

974. Do you remember Mr. Young asking O'Neill whether the drumming party did not cause alarm in the town; whether he did not believe that it excited alarm?

Mr. Commissioner SHAW.—He has answered that question twice before.

Mr. *Reardon.*—O'Neill answered that question twice. He said first he would not say it, and he was pressed for his belief.

Mr. Commissioner SHAW.—Then ask the question again for the third time, but do not ask it a fourth time.

975. Mr. *Reardon.*—Did Mr. Young ask O'Neill whether the drumming party created alarm or not?—I believe he did. The reply was that he was not alarmed.

976. Was he afterwards pressed for a reply as to whether it created alarm?—He was.

977. Was he allowed to answer it?—Some person objected, that he had already given an answer.

978. Was the question answered after that?—I think not.

979. Do you remember whether that objection, if raised by any of the professional gentlemen, was allowed by the Bench?—I do not recollect. The question, I think, was not answered, but I cannot tell from what cause.

Mr. Commissioner SHAW.—If the question was put and not answered, we may reasonably presume that it was objected to.

980. Mr. *Davison.*—I objected I believe to his belief?—I think so, but I cannot swear positively.

981. To his belief?—Yes, that is my impression.

982. And that question was objected to on that account?—I believe so.

983. Do you recollect my putting it to the Court, whether he should answer as to his belief or not?—I do not remember any argument upon it.

984. Mr. *Cochrane.*—Mr. Davison was determined that he should not answer the question?—I do not recollect.

Mr. Commissioner SHAW.—We have closed that part of the case as to what took place before the magistrates. Is there any other evidence offered, because if it is, it should be given before the magistrates are examined.

Mr. Commissioner KELLY.—If there be any other shorthand-writer, or any other person present at the trial before the magistrates, we wish to hear him. We will hear anybody who can throw light on the transaction; or if any one thinks he can displace, vary, or qualify the evidence which has been given, we are willing to hear him. But we think it fairer to the magistrates that this evidence should be given before we examine them.

Mr. *Cochrane.*—Unless something arises on the cross-examination of the magistrates, we do not at present intend to offer any evidence, but we reserve our right to do so at a later stage.

Mr. Commissioner KELLY.—At present your intention is not to examine any witness?

Mr. *Cochrane.*—Not to examine any witness.

Mr. *Lowry.*—The Commissioners will not hear evidence, I presume, as to what occurred at other places and times.

Mr. Commissioner KELLY.—Not at present.

Mr. Commissioner SHAW.—We confine ourselves to what took place before the magistrates.

Mr. *Cochrane.*—Exactly.

Mr. Commissioner SHAW.—Is M'Elwee here?

Mr. *Barry* the County Inspector.—He has been ill; he will be here about three or four o'clock.

Mr. *Lowry.*—The only reason I have for producing the man is, that it might be said elsewhere that we kept him back.

Mr. Commissioner SHAW.—Except that witness, we understand that no other evidence is intended to be offered of what took place before the magistrates except the magistrates themselves.

George Arthur Molony, esq., R.M., sworn and examined by Mr. *Lowry*.

George Arthur Molony, esq.

985. You are the resident magistrate in this county?—Yes.

986. Were you at the Donaghmore Petty Sessions on the 1st of October?—I was.

987. You heard O'Neill's evidence given here yesterday?—I did.

988. And his evidence given fully at the Petty Sessions?—Yes.

989. Did you receive from the Castle of Dublin certain instructions, as a guidance to the magistrates with regard to party processions?

Mr. *Cochrane.*—I submit that that document should not be admitted.

Mr. Commissioner SHAW.—On what ground?

Mr. *Cochrane.*—It is not legal evidence.

Mr. Commissioner KELLY.—I will tell you the view I entertain as to that. It appears that the magistrates have received instructions from the Castle as to what they ought to do in cases under the Party Processions Act. It appears to me to be very clear that if the magistrates, when the cases came before them, had these instructions in their minds, they ought to be admitted in evidence.

Mr. Commissioner SHAW.—It occurs to me that these instructions, being for the guidance of the magistrates, should be admitted.

990. Mr. *Lowry.*—Can you state when these instructions were issued—about what period?—I think about August, 1863.

991. By the old Government?—I think it was about then.

992. Mr. Commissioner KELLY—At all events you received them as instructions for your guidance?—Yes; I should also state that I think they were issued to every Petty Sessions in Ireland.

Mr. Commissioner KELLY.—We are to inquire into the conduct of the magistrates—the *bona fides* of their conduct—and they produce a document which was issued for their guidance. I do not see how we can exclude it.

Mr. *Cochrane.*—They could refer themselves to the statutes. The issuing of these instructions does not make them law. They are private instructions sent to the magistrates.

Mr. Commissioner KELLY.—But, surely, when we are to inquire into the conduct—the *bona fides*—the honesty and impartiality of the magistrates—these instructions to them from the Castle are most material.

Whether the instructions are right or wrong, they are entitled to use them as a justification of their *bona fides*.

Mr. *Cochrane*.—They must prove that it was in consequence of these instructions that they dismissed the cases against the five persons.

Mr. Commissioner KELLY.—My opinion is, that if they had seen these instructions at the time, and may have borne them in their minds, the instructions are admissible.

Mr. Commissioner SHAW.—It will be necessary to connect their acting under these instructions with the proceedings on that day.

993. Mr. *Reardon*.—Was any offence under the Party Processions Act charged on that day?

Mr. Commissioner SHAW.—That is a different question. You may take it for granted that the offence charged was not under the Party Processions Act.

994. Mr. *Lowry*.—In coming to the decision which you arrived at on the evidence given at the Petty Sessions, were you individually influenced by these instructions?—Certainly.

Mr. *Lowry*.—Now, I will read the instructions.

Mr. Lowry read the instructions.

995. After you had heard the evidence, and had retired to your room, did you consult as to the effect of that evidence?—We did.

996. At first was there any difference of opinion between you?—With due respect to the Commissioners, I do not think that question should be put.

997. Mr. Commissioner KELLY.—Do you object to answer?—I do not think it is a question that should be asked. When magistrates meet in a private room, and afterwards are unanimous on the bench, what occurs in their private room should not be made public.

998. Mr. *Lowry*.—Did you at last arrive at unanimity?—We discussed it fully in the room—the whole matter—and came out then when we were unanimous in our decision.

999. Mr. Commissioner KELLY.—Further than that you decline to answer?—I do not. No; I am quite willing. But I do not think that anything which occurred in the room should be stated in public. But I have no objection to answer.

Mr. *Lowry*.—There appears to have been a difference of opinion at first, but they all agreed at last, and came to a unanimous decision.

1000. Mr. *Cochrane*.—May I ask when you received these instructions?—I cannot exactly state when I received them.

1001. Did you receive them yourself?—Not this document.

1002. Where is yours?—At home.

1003. Did you compare this with your own copy?—No.

1004. When were you appointed resident magistrate?—In 1863.

1005. Do you think that these instructions were not issued before 1860, or before your appointment?—I do not know—I cannot state.

1006. Is this your handwriting on this document?—No, it is not.

1007. Mr. Commissioner SHAW.—Was this document before the magistrates on that day (the 1st of October)?—Not that I recollect.

1008. Or any copy of it?—Not that I recollect.

1009. Mr. *Cochrane*.—Can you say that you had read this at all?—Not on that day, but I certainly read it before.

1010. Are you sure you read it?—I am perfectly sure I did. I got this and other circulars. I got them all and I read them.

1011. *En masse* or from time to time?—From time to time.

1012. The Act was renewed several times?—It was. The last Act was passed in the 23 & 24 Vic.

Mr. *Lowry*.—That expired in 1865.

1013. Mr. *Cochrane*.—Were you at the Petty Sessions here last year, in or about July or August last?

Mr. *Lowry*.—I object. That has nothing to do with the present inquiry.

Mr. *Cochrane*.—I will state my reason for putting the question. The case I allude to was a similar case to this, and was adjudicated on by them ministerially.

Mr. Commissioner KELLY.—We are anxious not to exclude evidence; but suppose there had been fifty cases in the last two years, the facts of all those cases would be different, how can they be evidence as to the conduct of the magistrates in this particular case.

1014. You are aware, of course, Mr. Molony, of what a riotous assembly is?—Yes, I am.

1015. The parties in this case were summoned for a riot and a riotous assembly. You know that that is an offence at common law?—Yes.

1016. Was that mentioned when you went into your retiring room, or was it considered that it was merely a party procession?—We considered that the original drumming party was not a riotous assembly.

1017. And were you unanimous in that conclusion?—We were unanimous in the decision we came to.

1018. Were you unanimous in that conclusion?—We were unanimous when we came on the bench.

1019. Mr. Commissioner SHAW.—I take it that in the magistrates' room there was a difference of opinion, that you discussed the matter over, and afterwards unanimously decided that there was not an offence at common law?—Exactly.

1020. Mr. *Cochrane*.—Did you come to the conclusion that it was not an offence at common law, or not a party procession?—We came to the conclusion that it became a riotous assembly when the other party met and attacked them, but up to that we did not consider that there had been any breach of the law.

1021. Mr. Commissioner SHAW.—You are alluding to a breach of the common law, irrespectively of the Party Processions Act?—That is what I allude to. Of course there had been a breach of the law when the man put his hands on the policeman.

1022. Would you consider that it was not a riotous assembly when they were beating the drums at that hour of the night, when they were told by the policeman to stop, and when one of the parties assaulted the policeman?—That was our opinion—that it was not.

1023. Even after all that?—Even after all that. That that did not constitute a riotous assembly.

1024.—Did you not consider that it was calculated to cause a breach of the peace?—Certainly not. Such things often occur in this country without a breach of the peace; and I am sorry to say these occurrences do take place, which, I may add, is also the feeling of any brother magistrate whom I have met.

1025. Mr. *Cochrane*.—Such things often occur?—These things do occur.

1026. And such things do occur, and breaches of the peace do take place?—They do.

1027. And do you not believe that they are calculated to produce a breach of the peace, these party processions, knowing the state of feeling in the country as you do?—Certainly, I think they are calculated to create a breach of the peace.

1028. You have judicial knowledge, I believe, Mr. Molony, of riots having been caused by these party processions prior to this?—I have not personal, I have judicial, knowledge.

1029. Were you not present at the assizes or petty sessions when the Pomeroy riot was investigated?—I was.

1030. Was there a party procession in that case?—

Mr. *Lowry*.—Do not answer that question. I presume there was, for the parties were sent to gaol for six months.

1031. Mr. *Cochrane*.—Were you in Donaghmore at the time when Mr. Lyle was at the head of the dragoons?—I was not.

1032. Knowing that party processions such as this?

Mr. *Davison*.—Such as what?

Mr. *Cochrane*.—Such as this marching. You have stated that it was calculated to cause a breach of the peace?—I did not state it was. I said such are calculated to create a breach of the peace.

1033. Mr. Commissioner KELLY.—You have sworn

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that this particular transaction was not, and you now say that processions are, calculated to create a breach of the peace?—No, I do not.

1034. Such as this?—Such processions are calculated to create a breach of the peace.

1035. You say then that processions such as this are calculated to create a breach of the peace?—Sometimes they are.

1036. Will you tell me why this particular one was not?—I was about to explain to you that on this particular occasion it was unexpected.

1037. Unexpected?—Yes; unexpected.

1038. Do you say that its being unexpected makes any difference as to the legality of it?—The authorities had no knowledge of it, and it was not on a stated day.

1039. Have you not heard that it was premeditated? Was it not sworn?—I never heard it.

1040. Did you not hear that a party from Pomeroy met a party from Castlecaulfield? Was not that premeditated?—I did hear that, certainly. But what I mean is, that this did not take place on a stated day, and no word of it reached the authorities.

1041. Having heard that it was premeditated, is it not a fair inference to draw from it that the party coming from Pomeroy to meet the Castlecaulfield party at a given point was calculated to create a breach of the peace?—It may have been personally known between the two parties, but publicly known it was not.

1042. Was it not told to the police?—The police generally get the first information, and they would have been on the *qui vive* if they had heard of it, and had force to prevent it.

1043. Do you not think it was premeditated on the part of the two parties who were to meet?—I cannot say that it was.

1044. You had that evidence at the petty sessions?—What evidence?

1045. The evidence of the junction of the two parties.—Yes.

1046. That being the case, do you not consider that the parties having so met there was likely to be a breach of the peace if they persisted in going on?—That was not stated before the magistrates.

1047. Did you hear it stated by O'Neill?—No. I heard at the petty sessions that the parties were advised by O'Neill to retire and to cease drumming.

1048. Mr. Commissioner SHAW.—You do not think they disobeyed the order?—He met them when they were coming back on their way home, having met the Castlecaulfield party, and advised them to stop beating the drum.

1049. Mr. *Cochrane*.—It was sworn to you at the petty sessions that the party was desired by O'Neill to quit playing?—No; they were not desired—they were requested to stop playing.

1050. Requested?—Yes, and that they did stop playing.

Mr. *Cochrane*.—Thackaberry stated differently.

Mr. Commissioner SHAW.—He stated that some of them did and some of them did not.

Witness.—Exactly; that is the evidence.

1051. Mr. Commissioner KELLY.—Do you consider that an orderly party some members of which would continue to play after being so cautioned, do you consider that it was not a riotous assembly?—I do.

1052. Do you consider that it was not?—It was not.

1053. Do you consider that such a collection of people as was there on that occasion was calculated to cause terror to the people?—There was no reason why it should cause any terror.

1054. At that hour of the night?—No.

1055. Do you believe that still?—I do.

1056. Have you heard the evidence of O'Neill on that point?—I heard all the evidence.

1057. Did you hear him state that he apprehended that there would be an attack?—He was afraid, I think, that there might be a collision.

1058. Fearing that, do you consider still that that was not a riotous party?—I do.

1059. And not a party to cause terror to the peaceable inhabitants?—I do.

1060. Do you consider that it was not calculated to produce danger to the tranquillity and peace of the inhabitants?—That is another matter. I dare say it might be the cause of a breach of the peace—it might give such offence; but if they were left to themselves I do not believe that there would have been any breach of the peace.

1061. What do you mean by left to themselves?—If they had not been attacked by another party.

1062. From what you have heard of the case, what do you believe provoked the attack; was it the beating of the drum?—Well, that is my belief.

1063. Did you at the petty sessions ask the question whether it was calculated to create strife or cause animosity between various classes of Her Majesty's subjects?—I cannot state that I did; I think that that was put from the chair.

1064. Do you believe that it was put?—It was put in some way—in some way; perhaps it was put by the Sessional Crown Prosecutor.

1065. And not allowed to be answered?—I do not know that; O'Neill answered that it did not cause him alarm.

1066. Did you hear the question put, whether it did cause alarm in the minds of the people in the locality?—I did.

1067. Did you hear him prevented from answering it?—I heard Mr. Brooke say that he could not answer for what was in the minds of anybody but himself.

1068. Then the question was not answered?—The question was not answered.

1069. The Court would not permit it to be answered?—I do not know that. I stated the remark he made, put what interpretation on it you like. He said he could not answer for what was in the minds of anybody but himself.

1070. Was not that tantamount to preventing him from answering the question?—It was not mentioned in any such light.

1071. What light was it put in?

1072. Mr. Commissioner SHAW.—You say that he was not prevented from answering?—My belief is that he was not prevented, and that if the question was pressed again he would have had every permission to answer it.

1073. Mr. Commissioner KELLY.—Do you believe that still?—I do.

1074. Was it not pressed by Mr. Young?—No.

1075. Might it have been pressed?—I do not think it could have been done without my hearing it.

1076. Did you put this question, "Did the Protestant party do more than defend themselves?"—I think, as well as I recollect, that the constable stated that the Protestants did nothing. I asked did they not defend themselves? They did, I think, was the constable's answer.

1077. Did you put this question—Did the party do more than defend themselves?—I will not swear positively as to the exact words.

1078. You may have used those words?—I may.

1079. Mr. *Reardon*.—You do not recollect whether you put the question in those exact words, but it was to that effect?—I made the remark, did they not defend themselves? I may have used those very words.

1080. Do you consider that the public at large would not have more confidence in a bench composed of two resident magistrates?

Mr. Commissioner KELLY.—I do not think that question should be asked.

Witness.—I may state that it was with very great regret that the magistrates felt they had not the power to punish the opposite party.

1081. Mr. Commissioner KELLY.—Then you think they had not the power?—They had not the power.

1082. You consider so?—I consider so. I know it.

1083. Mr. Commissioner SHAW.—That they had not the power to do what?—To return the Protestant party for trial.

1084. Mr. *Reardon.*—Are you still of that opinion?—I am still of that opinion.

1085. Notwithstanding the opinion of Judge Keogh?

Mr. *Lowry.*—He had not the facts before him.

Witness.—I will state that——

Mr. Commissioner KELLY.—Any statement you like to make I am very willing to hear.

1086. Mr. *Carleton.*—Mr. Molony, have you any objection to state any observation that took place in the magistrates' room?—I really think it may be given to the whole public; but I thought when the magistrates were together as a jury, that it was not right or correct to state it.

1087. There was, then, a difference of opinion in that room?—On the law of the subject there was.

1088. Did any one of the magistrates on that occasion consider that it did come within the meaning expressed in the summons—an unlawful assembly?—We argued it fully.

1089. Did it come within the meaning of an unlawful assembly?—No.

1090. Or a party procession?—No, not under that term.

1091. There was one magistrate who differed from the rest?—There was a magistrate who came biassed, to a certain extent, against the Orange party, and he wished to return them; and if you choose to press for that gentleman's name, I will give it you.

1092. He said that he was biassed?—Because he knew the parties.

1093. That was the gentleman who wanted to send them for trial?—It was; and now if you choose to ask me, I think it but fair to give that gentleman's name.

Mr. *Lowry.*—There is not the least objection to your giving his name.

Mr. Commissioner SHAW.—Now, if you wish to give his name you may do so.

Witness.—Mr. Lyle was the gentleman who wished to return them.

1094. Mr. *Cochrane.*—Then, Mr. Molony, the opinion of the magistrates was recorded?—Yes.

1095. And the case was dismissed on the merits. Are you not aware that you had no power to make such an order as that?—I am quite unaware of that.

Mr. *Cochrane.*—They might have refused the informations, but they could not dismiss the case on the merits.

1096. Mr. Commissioner KELLY.—Allow me to ask two or three questions on the instructions, "those with arms or drums should be arrested." You say that you carried out those instructions—Do you see that those with arms or drums should be arrested?—Yes.

1097. Do you not consider that these instructions applied to this party having drums?—Certainly not. Referring to another paragraph in these instructions, it is evident that "drums" in this passage refers only to drums playing party tunes.

1098. And that does not apply to a procession like this?—They must have arms.

1099. To the best of your opinion, these drums in this case did not come within the instructions, because they were not playing party tunes?—Certainly not.

Mr. Commissioner SHAW.—I do not think the Act of Parliament says that, but these instructions do.

1100. Mr. Commissioner KELLY.—Your construction is, that if they are not playing party tunes on the drums they do not come within the Act?—No.

1101. The summons in this case was for a misdemeanor at common law?—Yes.

1102. Will you tell us what in your opinion is the difference between a summons for an offence at common law, and an offence under the Party Processions Act?—An offence at common law meant that they should have been there for a riotous purpose, or with the intent to do some illegal act.

1103. And to constitute an offence under the Party Processions Act, they should be attended with some of the circumstances enumerated in the Party Processions Act?—Exactly.

1104. You say that you were aware that this summons was for an offence at common law?—So it appeared.

1105. Can you show me anything in these instructions as to directions to the magistrates in offences at common law?—There are none whatever.

1106. How then could these instructions have guided you on this inquiry?—Because they are explicit there.

1107. In cases coming before you as violations of the Party Processions Act, but this summons was not under the Party Processions Act. How could these instructions which are headed—"Instructions for the guidance of Magistrates in suppressing party processions. The 13th Vic., c. 2, points out the offences that fall within the provisions of that Statute"—have been the slightest guidance to you in this case? Is it not the fact that these instructions are for offences under the Party Processions Act?—Yes.

1108. Is it not the case that this summons was not for an offence under the Party Processions Act?—No; it was for a riotous assembly.

1109. How then would these instructions have guided you at all in deciding whether the parties were guilty of an offence at common law?—I do not think that the magistrates went into these instructions. We considered the law according to the rules of common sense and justice, and came to a decision.

1110. The effect of the Party Processions Act was not to render legal anything that was illegal before?—I suppose not.

1111. Cannot an assembly be unlawful though it is not within the Party Processions Act?—I suppose so.

1112. Then how could these instructions, which are for violations of the Party Processions Act, be a guidance to you as to whether an assembly was illegal at common law?—We took it as such.

1113. I want you to explain how you make out that these instructions could have been considered by you in a case which is for an unlawful assembly at common law?—No; but the original party—that first assembly—was not illegal, and the second assembly was. It was the officer of the Crown who filled the summons.

1114. And that was the matter before you?—Yes.

1115. That was at common law; how could you have considered the instructions in a case at common law?—We had two parties before us summoned on different sides, and we dismissed the case against one of the parties. We did not consider that they had broken the Act, and we thought the assembly was not unlawful at common law. We returned those that had committed a breach of the peace.

1116. Can you give no other explanation?—I cannot.

1117. Do you consider that these instructions are for your guidance for offences at common law as well as under the statute?—Certainly not.

1118. When the parties are charged with an offence at common law how can you make out that to have guided you at all?—I can give no other explanation.

1119. Will you allow me to ask you what is your view of the law with regard to unlawful assemblies?—My opinion is that the party must be collected together to do some overt act.

1120. Must that act be an illegal act?—It must of course be an illegal act.

1121. That is your view that the party must be assembled to do an illegal act?—Yes.

1122. Do you consider that a lawful assembly, which, though it may otherwise be legal in itself, is calculated to lead to a breach of the peace?—That is an abstruse question.

1123. Do you not consider in this case that what did take place when the conflict occurred constituted a riot—when they came to blows on the first and second occasion, made this an unlawful assembly?—As to one party I do, as to the other I do not.

1124. Do you conceive on the evidence before you that the six persons or the five persons having been

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seen in the party shortly before the riot, was not evidence to go to the jury against them?—If I had thought there had been an unlawful assembly I should have been the first to return them for trial.

1125. Do you consider that these persons having been identified as having been in the procession three minutes before the affray—do you consider that there was not a case to go to the jury that they were in the affray?—I do not consider that there was a case to go to the jury. I think in a case which comes before the magistrates to take informations they are not bound to return the parties for trial unless there is a *bona fide* case to go to the jury. We would be taking away the liberty of the subject if we did.

1126. Then in your opinion these parties not having been identified as being present at the affray, there was no case to go to the jury against them?—Certainly not, even if they had been identified.

1127. Supposing they had in fact been identified as being in the affray, would there have been no case to go to the jury against them?—No, because they had done no illegal act whatever, and they were illegally attacked on the highway by a riotous party who had no business to attack them.

1128. Do you consider that if a procession marching along the road are attacked by another party, who take offence at their marching—do you consider that they ought to go away, or may they defend themselves?—I beg to decline to answer that question.

1129. Do you consider that the party who is attacked has a right to continue to take an active part in the fight—and that there is no case to go to the jury against them if they do?—There was no statement of that before us.

Mr. *Lowry*.—I think you are under a misapprehension. It was not sworn positively that these five parties were fighting.

1130. Mr. Commissioner KELLY.—I know that they were not identified. But suppose they were, do you not consider that they would be guilty of a riot at common law?—Not if they were attacked when doing no illegal act and were defending themselves.

1131. Do you consider, after you had heard the evidence of O'Neill, that numbers were collected at the Cross in the town, that the Pomeroy party, who went on to meet the Castlecaulfield party, and both parties were returning together with them through the town—do you consider that when after the conversation between O'Neill and them they beat the drum, they did not become an unlawful assembly?—I do not consider that they were. They were on their way home at the time.

1132. Did you not say that beating the drum was what caused the offence?—I think I did not say that.

Mr. Commissioner KELLY said that he did, and Mr. Commissioner SHAW referred to his notes, and read the witness's evidence to that effect.

1133. They were told to cease beating the drum?—They were requested to do so.

1134. Do you consider that continuing to beat the drum after being cautioned by the policeman to cease, did not render the assembly illegal?—If I thought so I should have returned them for trial.

1135. You do not consider that rendered the assembly illegal?—I think not.

1136. Although it was calculated to occasion a collision?—I stated that such things generally occasion one.

1137. In fact there was a riot on that day?—There was a riot.

1138. You have stated that you believed that what provoked the riot was the beating of the drum?—I think I have stated that such things caused it.

1139. When Steenson Reaney assaulted the policemen the other parties summoned were all present?—I believe they were.

1140. Do you not believe that that assault at which they were present made the assembly an illegal one?—No, I do not.

1141. Is it simply your opinion, and was it your opinion then, as a matter in the exercise of your discretion that the parties had a perfect right to assemble as they did?—I will not say positively that they had a perfect right, but to the best of my opinion they had a perfect right.

1142. And that you would not be justified in returning informations against them?—That was our feeling. We were all most anxious to do so if we had power.

1143. The order was that Steenson Rainey should be prosecuted for an assault on a policeman in the execution of his duty?—Yes. That was the decision.

1144. Should not that have been entered in the book?—It should. Strictly speaking it should be entered.

1145. Have you seen the book?—Yes.

1146. Is it entered?—It is not.

1147. Did you hear the evidence of Mr. Cecil Moore?—I did. But I know nothing about it further than that the decision of the magistrates was as I have stated.

1148. Mr. Commissioner SHAW.—And that Steinson Rainey should be returned for an assault on the policeman in the execution of his duty, and the case dismissed against the other parties?—Yes.

1149. Mr. Commissioner KELLY.—You know nothing more?—I know no more than appears in the entry in the book at the time.

1150. Do you consider that a shot being fired would be any ground for inquiry as to whether the procession caused alarm—it was said that they fired a shot?—It was after all was over two shots were fired, when the constables were going into Dungannon. He stated that he heard the shots, but none of them could state where the shots came from.

1151. Do you consider that during the whole time of this transaction the Protestants were not guilty of any riot?—That is what we felt, and that we had not the power of punishing them.

1152. How long have you been a resident magistrate?—Four years.

1153. Have you looked into the law on the subject of riots?—Yes. I have looked into some of the authorities, and I gave my decision according to my judgment.

1154. Mr. Commissioner SHAW.—Do you consider this document to be conversant about all party processions?—Yes; we consider it to apply to all such processions as are illegal.

1155. And I suppose you considered that this was not an illegal party procession?—Yes, we thought so.

1156. Did you conclude that, not falling within the definition under the Party Processions Act, it was not illegal?—We did.

Mr. Commissioner SHAW.—Any person reading this document would come to that conclusion. But I do not at all agree with that document. It is calculated to mislead the magistrates.

Mr. Commissioner KELLY.—I concur in that observation.

Mr. *Lowry*.—But surely unprofessional gentlemen may be excused from acting under those instructions.

1157. Mr. Commissioner SHAW.—You act under these instructions?—We do. We felt in this case we could not return the informations. We should have been very glad if we thought that we had legal power to return them.

1158. Mr. *Lowry*.—These five men were identified?—They were.

1159. If it had been proved that any of the others took part in the affray would you have committed them?—Individually I would not. I will speak for myself.

1160. Mr. Commissioner SHAW.—Would you if they had gone beyond defence?—It would have become a riotous assembly then.

1161. Mr. Commissioner KELLY.—Your view of the law is that though it may have provoked the other party to attack them—though it caused this riot—the assembly was not illegal?—It was not proved to us that it was calculated to produce it.

1162. You said that such things were calculated to

produce collisions, and you said that the drumming in this case was the cause of the riot?—That is, in my own opinion.

1163. And although the drumming caused the collision, you were of opinion that inasmuch as the Catholic party were the attacking party, you had no power to return the other?—That was our impression.

1164. Mr. *Cochrane.*—I will put this question through the Court—When you and your brother magistrates consulted as to this case, you were aware of the difference between a party procession and an illegal assembly?—I will not answer that.

1165. You were aware of the difference between party processions and an illegal assembly?—I cannot answer for the others.

1166. You were aware of it?—Yes, I was.

1167. If you were not you would not have sent the other party for trial for riot and assault?—No.

1168. You were perfectly aware of the distinction and difference, and yet, being aware of the particular facts, you say you were guided by these instructions as regarded the Protestants?—You ask me whether I know the difference. One comes within the meaning of one Act, the other within the meaning of the other.

1169. Mr. Commissioner SHAW.—You have given a full account of what took place. You considered both views of the case, whether the parties were guilty at common law or under the Party Processions Act?—Yes. We took a common sense view of the law, and considered that but one of the Protestant party committed an illegal act.

1170. You discussed the matter on the point you were not agreed on, and after you came to a conclusion you came into Court and gave your decision.

1171. Mr. *Cochrane.*—Was that document (the Instructions) referred to? You say it produced an effect on your mind?—My belief is, that it was referred to because we asked particularly whether there were any arms, emblems, &c.; so it must have been operating on our minds.

1172. Then you considered the case as a party procession, and not as an illegal assembly?—As to the original party.

1173. That is the Protestant party?—Yes.

1174. It was then as a party procession and not as an illegal assembly that you dismissed the case?—Yes.

Mr. Commissioner KELLY.—We have procured some documents which will clear up a great deal of the matters. First, we have got the original informations; then we have the recognizances to appear. There are a number of them entered into by the Catholic party. The informations detail all the facts that we have heard. The recognizance in Steenson Reaney's case recites that he was sent for trial for an assault on a police constable in the execution of his duty. The information states the transaction with regard to Steenson Reaney, but it does not state that he is charged with anything.

That corroborates entirely the parol evidence. The reason that I raised the question was that by the book it would appear that he was returned for a riot and unlawful assembly. It appears from the recognizance he was returned for an assault on O'Neill in execution of his duty.

Mr. Lowry.—The course we propose to pursue is this:—We have examined the resident magistrate. There are two other magistrates present. We will not examine them. Mr. Brooke is unfortunately prevented by illness from attending. We do not think it necessary to take up public time by corroborating the evidence which has been already given. The other magistrates are here to answer any question that may be asked of them. But on the part of the two magistrates for whom I appear I close.

Alexander M'Kenzie Lyle, esq, J.P., sworn, and cross-examined by Mr. *Reardon.*

Alexander M'Kenzie Lyle, esq.

1175. Were you one of the magistrates on the bench at the Petty Sessions at Donaghmore on the 1st of October last?—Yes.

1176. Five of the parties brought before you on that day were summoned for forming part of an illegal assembly at Donaghmore on the 17th of September?—I am aware of their appearing before the court; I think that was the charge.

1177. Were they not summoned for an illegal assembly?—I cannot take upon me to say what the the nature of the summons was.

1178. You heard O'Neill give his evidence?—I did.

1179. Do you conceive that it substantially corresponded with the evidence which he gave at the Petty Sessions?—I conceive that it was perfectly correct.

1180. Do you think that the entrance of the drumming party into the town at night was not calculated to create a disturbance there?—I think it was, and I have at all times disapproved of such conduct.

1181. Do you think it calculated to create a disturbance, and to lead to a breach of the peace?—I do not think that on that occasion it should have done so, inasmuch as it was an unexpected occurrence, so much so that had I the slightest knowledge of it I should not have left home.

1182. Do you think that coming in there upon that night at the hour of 9 o'clock was calculated to lead to a breach of the peace?—I must admit that there are some parties in my village of strong opinions. I feel anxious to give every information to the Commissioners. From my local knowledge I am aware that strong feelings, on both sides, exist in my village.

1183. Do you think that the entrance into the village of that party was calculated to lead to a breach of the peace?—I think that it ought not to have taken place.

1184. Do you think that it was calculated to alarm the peaceable inhabitants?—I certainly think they might take alarm.

1185. I dare say you are aware whether your own family were alarmed by their entrance that night?—My family were not alarmed until a riot took place.

1186. Do you think that their coming into it was calculated to alarm the inhabitants?—Well, I think not.

1187. Was not the first assault committed that night the assault committed by Reaney. Is not that the evidence?

Mr. Commissioner SHAW.—That was the evidence. There is no controversy on the subject at all.

1188. After Mr. Moore had stated the case, and the evidence had been heard, and the magistrates had retired, for what offence did you propose to send them for trial?—I was of opinion that what took place in the magistrates' room was private. However, Mr. Molony has stated to the Court that the matter was fully discussed, and opinions put forward not only by myself but by the other magistrates. I think the opinion put forward by myself and the other magistrates—by all of us—was, that we were most anxious to carry out the law. I differed to a certain extent as to the charges against the two parties brought before us.

1189. And you fully discussed the matter?—Fully.

1190. Mr. *Reardon.*—Were you first in favour of returning the parties to trial for ——

Mr. Commissioner SHAW.—It would be better if you would let Mr. Lyle tell you what his impression of it was.

Mr. *Reardon.*—I should wish him to answer this question first.

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Alexander M'Kenzie Lyle, esq.

Mr. Commissioner SHAW.—It appears to me that you are preventing him from answering the question.

Witness.—There were two parties before us. We were unanimous that the Roman Catholic party should be sent for trial. Then O'Neill's evidence was put forward strongly as to the other four parties. Reaney's question I will not mention at present; we were unanimous about him; and we were of opinion that returning him for a charge of assault against a constable was a more serious offence than the case as it appeared before the Court.

1191. Mr. Commissioner SHAW.—Than the case charged?—Than the case charged.

1192. Refresh your memory by the Petty Sessions Book.—I see here they are charged with a riotous assembly on the night of the 17th September.

1193. Mr. *Reardon.*—Were you of opinion that he committed that offence?—We were unanimous, to the best of my recollection that at the time Reaney pushed or assaulted the constable there was no riot, and nothing illegal had occurred. We were unanimously of opinion that nothing whatever illegal occurred up to that time.

1194. You concurred in that?—Yes; in fact Reaney was drunk, and he should have been arrested as a drunken man.

1195. Mr. Commissioner SHAW.—Was that stated to the magistrates?—It was stated, but whether at the Petty Sessions I do not remember.

1196. Mr. Commissioner KELLY.—Was there any evidence of it?—I cannot tax my memory as to that.

1197. Mr. *Davison.*—It does not appear in the information that he was tipsy.

Mr. Commissioner KELLY.—Nor is there any evidence of it.

James O'Neill.

Sub-Constable *O'Neill* was recalled, and examined by Mr. Commissioner SHAW.

1198. Do you recollect on the investigation before the magistrates whether you told them that Reaney was drunk or sober?—I never told them any such thing.

1199. Did you hear any evidence given on the subject?—No. But I beg to explain. I was led to believe that the man was the worse of liquor, and probably I may have stated so to Mr. Lyle; but I did not state it before the Bench.

Alexander M'Kenzie Lyle, esq.

Mr. *Lyle's* evidence was resumed.

1200. An assault took place according to O'Neill's evidence immediately after on the Protestant party, and you have it in evidence that at the Cross an affray or a row did take place.

1201. Mr. Commissioner SHAW.—Did you think then that the nature of the proceedings changed after Reaney had assaulted O'Neill?—Yes.

1202. Will you so far as you like tell us your impression of them?—My impression is that from O'Neill's evidence the men Dilworth, M'Atee, and Stewart were doing nothing. M'Atee, I think, was stated to have had a drum. I cannot take upon me to say whether it was proved that he was beating it. The impression of the magistrates was that he had not committed any offence.

1203. Mr. *Reardon.*—Were you of opinion on returning to the room that he had not committed an offence?—I am free to admit that I felt disposed to return him for trial. I am no lawyer, but the common sense answer I would give is that he had committed an offence of a more mitigated form.

1204. You felt disposed to return him for a more mitigated offence?—Yes.

1205. You expressed that wish to your brother magistrates?—Yes.

1206. And then did you discuss the matter?—We did.

1207. Was that after you had disposed of Reaney's case?—I cannot say that Reaney's case was disposed of before the others. We talked of all the matters before us.

1208. Mr. Commissioner SHAW.—It seems that there was no important discussion as to Reaney's case, or the Roman Catholic party. The magistrates were unanimous as to that, and the only discussion was upon the others; whether it was before or after is immaterial. Your first impression was, and your suggestion to your brother magistrates that you should commit them for trial?—That was my view. We discussed the matter, and having discussed it, and discussed it fully, the Chairman concurred with me to a certain extent, and the other magistrates all concurred up to a certain point.

1209. Mr. *Reardon.*—How far?—They considered that O'Neill's evidence perfectly exonerated the parties of any charge.

1210. Was not that differing from you, and not agreeing with you?—You asked me to point out to you how far they concurred.

1211. Mr. Commissioner SHAW.—I think that comes in with a "but"?—That is exactly the impression I wish to convey.

1212. Mr. *Reardon.*—But you were satisfied that O'Neill had proved a case against them?—I was very peculiarly situated as to Donaghmore, a great number of the parties being my own people. I may say some on both sides, and I did feel regret that such an occurrence should take place in my absence, and probably I was carried away by my feelings to a certain extent, and would have gone further than the other magistrates who were not so locally or personally connected with the matter.

1213. Mr. Commissioner SHAW.—Which way did they carry you?—I think to punish all parties. I have stated that I am no lawyer; I said so at the time; and that I had received instructions from the Castle personally. Some of our brother magistrates thought that these instructions did not bear the construction I put on them. I was referred to those instructions.

1214. Mr. Commissioner KELLY.—Are you alluding now to the document produced by the last witness?—Yes. The magistrates viewed these instructions to an extent different from what I did on the occasion.

1215. Will you tell us what your view and theirs was?—I was asked what offence did they commit. We did not discuss it in a legal way but in a common sense way.

1216. Mr. Commissioner SHAW.—Having regard to the instructions what offence did they commit?—Having regard to the instructions.

1217. What did you say?—I must admit that I had a feeling that the unfortunate occurrence would not have occurred had that party not come into the town; and although exonerated by O'Neill, that that party should be——

1218. Returned?—Yes; but I must say on a mitigated charge for a mitigated offence.

1219. Mr. *Reardon.*—Had you, on returning to the room, any doubt that that was the cause of the disturbance that occurred in Donaghmore on that night?—My opinion is, that both parties were guilty of the affray or row. There was unquestionably evidence of an illegal assembly at the latter end of the transaction.

1220. You do consider both parties guilty?—Yes.

1221. Mr. Commissioner SHAW.—You consider both parties guilty of an illegal assembly at the later period?

—That was my impression. The magistrates considered that there was not a violation of the instructions, and that these parties had a perfect right to go home. Is it necessary to have any reference to their not having any party emblems?

1222. Mr. Commissioner SHAW.—You took that into consideration in determining what decision you would come to?—Yes.

1223. Mr. *Reardon.*—The evidence was that the two parties came from different parts of the country?—Yes.

1224. If both parties turned back, and went the same road, would they be both going home?—Well, not knowing the persons who formed those parties, I cannot say.

1225. Would the Pomeroy road be the way for the Castlecaulfield party?—Some of the Castlecaulfield party, as it is called, belonged to my village.

1226. Mr. Commissioner KELLY.—The greater body of the Castlecaulfield party would have returned by the Castlecaulfield road?—That is the shorter distance to the Cross. I do not know the name of any of the parties except those charged. I should assume that two out of four would go home in that direction. One would have been going home with the Pomeroy party—the other lived in my own village.

1227. Mr. Commissioner SHAW.—What were their names?—One of them is Dilworth—he lives at Tullybeg; M'Atee lives in the village of Donaghmore; Steenson Reaney also, I should have said, from my knowledge of the townlands, that it would have been as convenient to go through Donaghmore on his way home as to go to Castlecaulfield.

1228. Mr. *Reardon.*—Is there any evidence to show that these two parties belonged to Castlecaulfield or Pomeroy?—I have no reason to think that there is any distinction between the Castlecaulfield party and the Pomeroy party.

1229. How do you come to know that they belong to the Castlecaulfield party, and not to the Pomeroy party?—I think I know it from my local knowledge. I can form no opinion, not being a party man, further than by knowledge of the parties.

1230. Why do you say that they belonged to the Castlecaulfield rather than to the Pomeroy party?—Nothing appeared before us officially. I will assume that M'Atee was going home to his house.

1231. Have you any doubt that these four parties formed part of the procession?—I have no doubt now that they belonged to it. The identification of the parties never failed.

1232. There is no doubt that they were present?—No doubt of it.

1233. If you stated elsewhere that the identification of the parties failed, to what did that refer?—To taking part in the proceedings at the Cross.

1234. Do you remember to have heard O'Neill state yesterday that you signed summonses for two persons, Maunsell and M'Causland?—I heard it stated here. I may be in error, but I think my impression is that I took no part from first to last in bringing this matter before the Petty Sessions.

1235. Mr. Commissioner SHAW.—Did you sign the summonses?—I did ministerially, but I never looked into the nature of the summonses.

1236. Mr. *Reardon.*—And you did not charge yourself with the prosecution?—No. I was from home, and when I returned, instead of taking any part whatever in the matter, finding that Mr. Brooke had been present on the occasion on the same night, on the morrow I went to Mr. Brooke and asked him what course he had ordered to be taken. His reply, to the best of my belief, was—"I directed the Head-constable acting for the Sub-Inspector to report the entire facts to the Executive."

1237. You told the Head-constable?—Mr. Brooke told the Head-constable. Mr. Brooke told me at last.

1238. And I suppose in consequence of that the Sessional Crown Prosecutor was instructed to prosecute?—I knew Mr. Moore was ordered to attend, and he asked me to attend at the Donaghmore police barrack to sign the summonses when he would prepare them.

1239. Mr. Commissioner SHAW.—Did you do so?—I did so; I think, although being very anxious to bring all parties to justice, I had a personal feeling in the matter, and I apprized him, as I remember, to have the summonses served on a particular person who had been forty-eight years in my family's service, as I abstained from all proceedings until I should appear on the bench.

1240. Who was that?—John Nogher. He had been twenty-five years in my service, and forty-eight years in the service of my family. Patrick M'Cluskey and Patrick Connor, two others, were also in my service. They were my ploughmen.

1241. Are they in your service now?—Yes. They were not discharged.

1242. Mr. *Reardon.*—Was it stated for what purpose M'Causland and Maunsell were summoned?—I really cannot say.

1243. You did not hear what evidence they would give?—I think it was Mr. Moore who obtained all the evidence at the barrack that was likely to lead to a fair decision of the case; and whatever took place there, I merely walked in to sign my name to the summonses ministerially; but whatever took place with regard to that, or whatever I might have heard, I placed no value on it.

1244. Do you recollect that they were summoned for a particular purpose?—I heard it stated here, but I really forget whether it was stated at the Petty Sessions. If it was I have forgotten it, and I cannot state for what purpose they were summoned. Mr. Moore said, "I have the Attorney-General's order."

1245. You have heard M'Elwee's name mentioned?—Yes.

1246. Was he examined at the Petty Sessions?—I am of opinion, at least my memory is, that he came up here. The chairman wrote down his name, and he came forward and said that he was barrack guard.

1247. According to your recollection was he sworn?—I cannot state.

1248. Do you remember whether it was stated before the Petty Sessions that M'Elwee saw one of the Protestants charging a gun in front of the barrack?—I never heard it till I heard it stated here.

1249. Did you hear it stated before the Petty Sessions that M'Elwee heard a shot fired?—I heard it discussed as a magistrate walking into the place with the constables. They attended to everything, and were very anxious that everything should come before the public. I may have heard it, but I do not recollect.

1250. Mr. Commissioner KELLY.—What reason did the other magistrates give for not agreeing with you as to the propriety of sending these men for trial?—I do not recollect; we discussed it without any ceremony.

1251. You do not remember what reason they gave?—I did not hear any one of them give any reason more than another. After the question was discussed I yielded, and we came in with the unanimous decision of the bench. In the course of the case there were the Crown Solicitor and two solicitors defending the two sets of persons summoned, and I may observe that the case was heard fully and fairly, and every point that was doubtful was cleared up. Both parties were allowed to put any question that ought to have been put, and we asked all the questions that we considered would clear up the matter; but where professional men are engaged I never put a question. I have heard the statement here as regards the chairman. My impression is that when the question was put he said that the constable had answered the question before, and need not answer it again; but as for stating that any question was suppressed, such a thing does not exist.

1252. Is it a fact, or is it not, that it is considered insulting to Roman Catholics that processions, such as this, should march past a cross or chapel—is it

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Alexander M'Kenzie Lyle, esq.

more offensive than in any other place?—I consider that the cross represents me as a Protestant as well as them. It was erected by my grandfather.

1253. The chapel is opposite the cross; do you consider that the Protestant party beating the drum past a cross or a chapel would be an offence?—I do not find it so—not going past either the cross or the chapel.

1254. As I understand your evidence, the reason the magistrates agreed in not sending the parties to trial was that they had not been guilty of any offence, and that there was no case to go to the jury against them?—O'Neill distinctly swore that they did nothing.

1255. Did they consider that the fact of their having been seen in the procession two minutes before was not evidence against them?—My opinion is that the magistrates did not consider that they had joined in the affray.

1256. Do you not consider that after the first attack the fact of the drumming being continued in the presence of the Catholic party was directly calculated to lead to a breach of the peace?—I think the evidence is that two individuals, Patrick M'Cluskey and another, came out and assaulted them, and then the party proceeded, some drumming and some not drumming. I am not of opinion that any party was coming to meet them of any moment. I think they were at the Cross and were waiting for them.

1257. With regard to these instructions, I think you did not concur with the other magistrates?—I entertained a different opinion.

1258. You considered that those instructions, according to their heading, applied to the Party Processions Act?—I do not know; I am no lawyer.

1259. Do you know the distinction between prosecutions under the Party Processions Act and prosecutions at common law?—There is some difference in the punishment.

1260. Do you consider that this document has as much to say to prosecutions at common law as to prosecutions under the Party Processions Act?—I consider so.

1261. Were the prisoners there when the informations were taken before you on the 3rd of October?—I cannot tax my memory.

1262. Is it not the fact that they were not?—I am not able to say; but I consider that when informations are taken before the petty sessions, and those informations are filled by our clerk, he is accountable to the Court for his acts, and he sends up the particulars of the evidence as given there. If it came from a third party I should be more particular; but coming from the officer of the Court, I assumed that the thing was correct when it was sent up to me.

1263. Mr. Commissioner SHAW.—You consider that it is the duty of the clerk to send in the informations correctly?—He has always done so, and I concluded that he had done so in this instance.

1264. Mr. Commissioner KELLY.—But you will not swear that you read them through?—I will not.

1265. Do you recollect whether all the parties were before you?—They came to me as it was convenient to them, to get the policeman. Some parties came on the 9th of October.

1266. In point of fact the bail was taken on the 5th. The informations were taken on the 3rd?—They were sworn before me on the 3rd. They could not have been present.

1267. You did not intend by doing that to act improperly?—I do not think I did act improperly.

1268. Do you consider that you discharged your duty when the clerk at his house at Dungannon drew up the informations with no one by but himself and the two policemen, and the policemen brought them to you?—I swore them, being sure that the parties making the informations had read them.

1269. Mr. *Cochrane*.—Do you consider that the continued drumming after the warning of the constable was calculated to annoy and insult the Roman Catholic neighbours?—I consider it a great annoyance.

1270. Do you consider that it was done for the purpose of insulting or annoying them?—I cannot swear as to their intentions.

1271. Was it not calculated to annoy them?—I wish it could be prevented. I would put them down on all sides.

Armitage Lennox Nicholson, esq.

Armitage Lennox Nicholson, esq., J.P., sworn and cross-examined by Mr. *Cochrane*.

1272. You were one of the magistrates who presided at the petty sessions at Donaghmore on the 1st of October last?—I was.

1273. Did you retire with the other magistrates to the justices' room?—I did.

1274. You heard the opinion advanced by Mr. Lyle on that occasion, that these parties should be sent for trial?—I did.

1275. Did you assent or object to it?—We discussed the matter fully, and were of opinion that they should not be sent for trial.

1276. For what reason?—Because they had committed no illegal act.

1277. Was that opinion formed after hearing the evidence of O'Neill?—It was.

1278. You returned one party for trial; what was it you returned them for?—We returned the Catholic party for a riotous assembly.

1279. They were not riotous among themselves. Who formed the other party?—They attacked the other party, and the other party were simply defending themselves.

1280. But surely they must have formed part of the riotous assembly. Did the Protestants form part of the riotous assembly?—Certainly not. It does not require two sides to form an assembly, as I understand.

1281. Were there two sides in this assembly?—There were Protestants and Catholics.

1282. Was the Protestant party in the riotous assembly?—They were defending themselves.

1283. Were they in that assembly?—They were defending themselves from being attacked.

1284. Were they in the riotous assemblage there?—Yes; they were at the time.

1285. And notwithstanding that you did not consider it your duty to send them forward to trial and let the jury decide?—I can say that there was not the least evidence on which a grand jury could find a true bill, or a petty jury convict.

1286. You heard the evidence of O'Neill?—I did.

1287. In which he stated that he cautioned these people when he met them near Mr. Lyle's gate?—I did.

1288. Now do you know, of your own knowledge of the locality, that that was calculated—the beating of their drum was calculated—to annoy and cause animosity or bad feeling between Her Majesty's subjects?—I believe it is calculated to cause animosity.

1289. Was it calculated to cause alarm?—No, certainly not.

1290. Do you mean to say that after the collision had taken place that it was not calculated to cause alarm?—I do not mean after the collision. You are now alluding to the beating of the drum.

1291. You say that that was calculated to cause animosity?—The beating of a drum. I do.

1292. Was it also calculated to lead to a breach of the peace?—No; I think it was not.

1293. Was it calculated to insult or annoy any class of Her Majesty's subjects? Was it not?—If you mean whether they were insulted by it, I say they were not insulted.

1294. What were they?—Annoyed.

1295. Does not annoyance lead to a breach of the peace?—The act of beating a drum ought not to lead to a breach of the peace.

1296. Was it not calculated to insult?—I do not think it was.

1297. From your knowledge of the locality and the persons?—I do not know the persons.

1298. Do you mean to say that if your Protestant neighbours beat the drum the Roman Catholics do not consider it insulting?—They would have considered it as a great annoyance.

1299. Would they not consider themselves insulted?—No. I do not see that there would be any ground for that.

1300. The fact would they consider themselves insulted?—They might do so.

1301. Do you not believe they would?—I do not believe they would. They would feel annoyed, therefore they might retaliate.

1302. Mr. Commissioner KELLY.—It being an annoyance, did they not consider themselves insulted?—That may be.

1303. Does not annoyance imply insult?—I may annoy a person without insulting him.

1304. Would not annoyance lead to a breach of the peace?—It might.

1305. In this case it turned out that it did?—It did.

1306. From your previous knowledge would you not consider that the procession beating the drum was calculated to annoy and insult?—It was calculated to annoy, but not to insult.

1307. After the first assault, do you consider that the beating of the drum was not calculated to lead to a further breach of the peace?—I consider that the party going on towards Donaghmore did not know that there was a Catholic party waiting for them.

1308. Therefore they beat the drum in returning towards Pomeroy after the first assault at Mr. Lyle's gate. What do you believe occasioned the assault on the drumming party?—Because they were annoyed at the beating of the drum.

1309. After that had taken place, do you not think that the further beating of the drum was calculated to cause a breach of the peace?—No. They had no knowledge of anyone being at the Cross.

1310. But those persons who assaulted them before might have returned on them?—I do not think that very likely.

1311. There were people in the town?—Yes.

1312. And Roman Catholics?—I suppose so.

1313. Would they not have felt insulted?—They may have felt annoyed by it.

1314. And, like the other parties, would retaliate?—I do not think it very likely.

1315. But they did so, they collected at the Cross, and did attack them?—They did.

1316. Therefore, was not the continued beating of the drums calculated to lead to a breach of the peace?—I do not go exactly so far as that.

1317. I come back then to what took place in the magistrates' room. After having heard the evidence, you say that you consulted in the room?—Yes.

1318. You heard Mr. Lyle state that the Protestant party should be sent for trial in a mitigated form?—Yes.

1319. In what way did you take the different cases?—We considered the whole case together, that of the Protestants, and of the Catholics.

1320. Was it a sort of set off that you sent the Protestant for trial on the graver charge, as a set off against the opposite party?—Decidedly not.

1321. It was not a compromise?—Decidedly not. We investigated the cases without prejudice, and impartially, and did not make any set off or compromise. We discussed the matter, and Mr. Lyle came round to our opinion.

1322. That it was not an illegal assembly?—Yes.

1323. And that there was no riot on the part of the Protestants?—That was my opinion. I was aware, of course, that we had other powers. Of course I had taken the trouble of reading a little on the subject, that we had powers outside the instructions.

1324. And that you had power to send forward the parties for an illegal assembly?—Yes.

1325. And yet you did not send the parties for trial?—We considered that there was not an illegal assembly, calculated to excite terror.

1326. Mr. *Davison*.—Up to the time of Reaney putting his hand on the policeman there was no evidence of any breach of the peace?—No.

1327. After that, how far had they to proceed until they came to the Cross?—I suppose about 200 yards, or thereabouts.

1328. From the time that the man put his hand on the policeman, at Mr. Lyle's gate, they had some distance to go to the Cross?—Yes, a short distance.

1329. From that to the time when they were attacked at the Cross, was there any evidence that the drumming party committed a breach of the peace until they went to the Cross, and were attacked?—Certainly not.

1330. Mr. *Lowry*.—The four parties accused, exclusively of Reaney, was it proved affirmatively or negatively whether they joined in resisting the attack?—It was.

1331. Mr. Commissioner KELLY.—You have stated fairly that in your opinion the drumming caused the first attack?—Yes, certainly.

1332. Do you not think that after the first attack, and when the drumming continued between the first and second attack, do you not think that it was calculated to bring on a second attack from somebody?—I think not; because there was no evidence of the party who had attacked them following them. There is no evidence that any person followed them.

1333. My recollection of the evidence is different from yours. But your opinion is, that the drumming after the first attack was not calculated to bring on the second attack?—I think it was not. From that period there is no evidence that they knew of any other collection or number of people.

1334. Had you any evidence that after the first attack the town party disappeared?—No.

1335. Did they remain within view and hearing?—I suppose they did.

1336. Was it, then, not likely that the beating of the drum the second time was calculated to provoke a second collision?—It was not very likely they would have done so, because they were parted by the police.

1337. Were two policemen strong enough to separate them?—No, I think not.

1338. Do not suppose that I am, in the slightest degree, imputing anything to you: I only wish to get your opinion on this matter. When you stated that they defended themselves, do you consider that they had a right to defend themselves?—Certainly. The evidence is, that in fact both M'Cluskey and the other person struck blows.

1339. Do you consider that when there is an affray of this kind between two factions, one party being the assailants, and the other actively defending themselves, do you not consider that both are guilty of riot?—I consider that if one party was proved to have made an attack on the other party, it would be against common sense to send them forward for trial.

1340. Although the original cause of the quarrel was the drumming?—Certainly. The drumming was perfectly legal; they had a right to do it.

1341. Though drumming had provoked and caused animosity, and excited the other party to commit a breach of the peace, and the constable having advised them to cease it, and blows having been struck on both sides, you are of opinion that they were not guilty of riot?—I think not. I put the drumming out of the question, because it was perfectly legal. So that, in point of fact, they were attacked by the others and merely defended themselves, and the five others were only identified as being with the party.

1342. Do you not consider the fact of their being with the party two or three minutes before, evidence to go to the jury that they were in the affray

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and in the riot?—I have no doubt that they were there. But, notwithstanding that, I have no doubt that they were not guilty of the riot.

1343. Were they not taking part in it?—They were attacked and resisted the Roman Catholic party in self-defence.

1344. Mr. *Lowry.*—Did these four men? Reflect, was it not proved to the contrary?

1345. Mr. Commissioner KELLY.—O'Neill merely said that he did not see them in the collision.

1346. Mr. Commissioner KELLY.—Do you know the distinction between a summons for an unlawful assembly and one under the Party Processions Act?—I know that there is a distinction between a charge under the Party Processions Act and a charge for an illegal assembly.

1347. Were you not of opinion that they were not guilty of an unlawful assembly, because they were not within the instructions?—We considered both cases—both under the Processions Act and under the ordinary law—and we considered that we had no law for sending them to trial for any act.

1348. Either under the Party Processions Act or for an unlawful assembly?—Neither under the one nor the other.

1349. Was there any evidence of shots being fired?—There was evidence of one shot being fired, but where it was nobody knew.

1350. Mr. Commissioner KELLY.—Were these instructions read before you on that day?—I cannot say whether they were read.

1351. Did you act on these instructions?—I do not remember whether they were actually produced in the room or not. I do not think that the instructions, so far as I remember, were produced.

1352. Mr. Commissioner SHAW.—Was the Party Processions Act alluded to?—Certainly.

1353. Mr. *Davison.*—You had evidence that these five or six men of the drumming party were at Mr. Lyle's gate?—Yes.

1354. How far is Mr. Lyle's gate from the Cross?—I think rather more than 200 yards.

1355. Had you any evidence before you that these six men took any part in the affray at the Cross?—No; I think not.

1356. Or that they were of the party at the Cross when they were attacked?

Mr. Commissioner SHAW.—I am not sure of that.

1357. Mr. *Davison.*—Had you any evidence that these six men took any active part at the time of the attack at the Cross?—No; we had no evidence of it at all.

Mr. *Lowry.*—I suppose all parties have closed now.

Mr. *Cochrane.*—We do not purpose to examine any witness.

Mr. *Reardon.*—If there was any doubt that the procession was calculated to cause alarm, I could produce witnesses to prove it; but I do not think it necessary to do so.

Thomas M'Elwee.

Sub-Constable *Thomas M'Elwee* having come into court, was sworn and examined by Mr. Commissioner SHAW.

1358. Were you present at this investigation?—I was.

1359. Do you remember whether you were sworn or not?—I was not.

1360. Nor asked any question?—No.

1361. Had Mr. Moore any communication with you before that?—None, sir.

Cross-examined by Mr. *Cochrane.*

1362. Had you any conversation with any of the magistrates who presided on that day at the Petty Sessions, either before or at the Petty Sessions—any conversation about the evidence you could give at any time previously?—I do not think that I had.

1363. Had you any conversation with Mr. Lyle about it?—I do not remember that I had.

1364. Did you mention the fact of anything you had seen to any of the magistrates. Recollect yourself?—Well, I do not know that I did.

1365. May you have done so?—I do not know that I did.

1366. May I ask you did you say anything of what did take place on that day?—I was summoned.

1367. Did you see a gun fired?—I did not.

1368. Did you see a gun charged?—Well, I did.

Mr. Commissioner SHAW.—We have said that we should confine our inquiry to what took place before the magistrates at the investigation.

Mr. Commissioner KELLY.—If he can state that the magistrates knew it before the investigation it would be different.

1369. Mr. *Cochrane.*—Do you know yourself, of your own knowledge, whether you ever mentioned that fact to Mr. Lyle before the investigation at the Petty Sessions?—I do not think I did; but I did tell the man in charge of the station.

1370. Then you did tell it to O'Neill?—I did.

1371. May I ask you of what party the man was who charged the gun?

Mr. Commissioner KELLY.—You want to give evidence as against the magistrates of a fact which you did not cross-examine the magistrates about, and which was not in evidence before them, and which it does not appear they could have known. You should have cross-examined them as to that. If you can prove that Mr. Lyle or any of the magistrates knew that any man, either Protestant or Catholic, had a gun on that day, you may do so by the production of any witness that you like.

1372. Mr. *Cochrane.*—On the evening the assault took place, do you remember seeing Mr. Brooke in Donaghmore?—I do.

1373. Did Mr. Brooke make any inquiry as to what took place from you, or any one in your presence?—I think he did; but I could tell him nothing, for I was on duty at the barrack. I could tell him the noise and such things as that.

1374. You told him the most you could see?—I suppose I did.

1375. Did you not tell Mr. Brooke that you saw the man charging the gun?—I think I told him all I knew.

Mr. Commissioner SHAW.—Mr. Brooke is not here.

Mr. Commissioner KELLY.—Mr. Brooke is not here to contradict this; and unless it was very clearly proved it would not effect me much.

1376. Mr. Commissioner SHAW.—Was not Mr. Brooke at your barrack?—Once.

1377. Did you tell him everything?—I did not tell him anything.

1378. Was he there to obtain intelligence?—Yes; we produced all the sub-constables.

1379. Did he take it down in writing?—I believe he did.

1380. Do you know whether he did or not?—I do not.

1381. Was it in the evening he came?—It was the night of the occurrence.

1382. Mr. Commissioner SHAW.—At what hour of the night was it?—It was between ten and eleven.

1383. Did he hold an investigation at the barrack?—He did.

1384. Mr. *Cochrane.*—Did you make any statement to him. Did you tell Mr. Brooke any thing, and if so, what?—I believe I told him all that I knew.

1385. All that you heard—all the information that you could give him?—

Mr. Commissioner SHAW.—I do not think that you ought to go further with this charge against Mr. Brooke in his absence. He is not here.

1386. Mr. Commissioner KELLY.—Was O'Neill present at these times?—He was.

Sub-Constable *O'Neill* was recalled and examined by Mr. *Cochrane*.

1387. Do you remember the night that Mr. Brooke came to the barrack?—I do.

1388. At what hour of the evening was it?—About half past ten. It may have been not so much, about a quarter past ten.

1389. Did he make any inquiries?—No, except of me.

1390. Did you see M'Elwee there?—Yes, he was there.

1391. Did he make any statement to Mr. Brooke in your presence?—Not to Mr. Brooke.

1392. You are satisfied of that?—Perfectly satisfied.

1393. Was anybody with Mr. Brooke?—Head-Constable Morris came with Mr. Brooke. I stated the occurrence to the Head-Constable. There was no person present at the time but the three of us. I do not think that he had any conversation with M'Elwee. He may or may not. He had not in my presence.

1394. Mr. Commissioner SHAW.—When he was in your presence he had not?—No.

Sub-Constable *M'Elwee*.—I said I thought O'Neill was present.

1395. Mr. Commissioner SHAW.—Were you with Mr. Brooke the whole time?—*O'Neill*.—I may say I was. We stood in the day-room. Mr. Brooke, the Head-Constable, and I.

1396. Where did the barrack-orderly stay?—He was in the kitchen with the remainder of the men.

1397. Mr. *Davison*.—You were in the house the whole time?—I was in the street with Mr. Brooke part of the time.

Mr. Commissioner SHAW.—We wish to sift everything; but I think it would not be fair, behind Mr. Brooke's back, to go further with this matter.

Mr. Commissioner KELLY.—I think so, too. Mr. Brooke is severely ill.

Sub-Constable *O'Neill*.—I wish to explain relative to the charge of the gun. They reported it to me.

Mr. Commissioner KELLY.—It is better to say nothing more about it.

Mr. *Lowry*, Q.C., Mr. *Cochrane*, and Mr. *Reardon* addressed the Commissioners on behalf of their respective clients, and the Inquiry concluded.

COPY of LETTER from the SECRETARY of the LORD CHANCELLOR to the JUSTICES who formed the BENCH at the DUNGANNON PETTY SESSIONS, held at Dungannon on the 1st October, 1866.

GENTLEMEN,

His Excellency the Lord Lieutenant having caused to be transmitted to the Lord Chancellor for his consideration the Report of Messrs. Kelly and Shaw, Commissioners appointed by His Excellency to inquire into the conduct of the Justices who presided at a Court of Petty Sessions held at Dungannon, on the 1st October last, together with a copy of the shorthand writer's report of the evidence taken before the Commissioners, and of the informations returned by the Justices to the Clerk of the Crown for the county of Tyrone, I am directed by his Lordship to acquaint you that on careful examination and consideration of all the circumstances of the case, he has no difficulty in expressing his entire concurrence in the opinion expressed by the Commissioners, that the Bench acted correctly in sending for trial on the charge of illegal assembly and riot the nine persons against whom informations were directed to be taken for those offences.

That the Bench also acted correctly in directing that informations should be taken against Steenson Rainey, who appears to have been sent for trial on some charge not specified on the Petty Sessions Book, and who pleaded guilty at the last assizes for the county of Tyrone to an indictment for assaulting a constable in the execution of his duty; but his Lordship is, however, of opinion that Rainey ought to have been held to bail not only for that offence, but also on the charges of unlawful assembly and riot.

As to the other persons who appeared before the Bench to answer similar charges—namely, illegal assembly and riot, his Lordship concurs in opinion with the Commissioners, that the Bench was in error in dismissing on the merits the charges so preferred against them, though there was the excuse mentioned by the Commissioners for not sending Henry Thornbury for trial.

His Lordship has further directed me to acquaint you that though, in his view of the whole, a serious failure of justice has occurred, by reason of the dismissal of the charge against A. Dilworth, James M'Ateer, and William Stewart; yet he does not dissent from the conclusion at which the Commissioners have arrived, that the Bench acted to the best of its judgment, and was not influenced by any improper motive. This conclusion is manifestly grounded on the opinion entertained by the Commissioners that the majority of the members of the Bench were very imperfectly, if at all, acquainted with the law applicable to the questions the Bench was called on to decide, as evidenced by the testimony of two of them, on the recent inquiry.

As to the conduct of Mr. Lyle, his Lordship is of opinion that he cannot claim—neither does he need the same excuse—as his Lordship entertains no doubt that had that gentleman been the sole presiding Justice, all the persons summoned before the Bench would have been sent for trial on the same charges, except, perhaps, Henry Thornbury, and consequently there would not have been the failure of justice which has occurred; his error was the venial one of not holding firm to his original opinion, even though his doing so would have been unavailing to alter the decision of the Bench, and therefore useless for any practical purpose.

His Lordship has no means of knowing what the exact opinions of Mr. Brooke then were or now are, owing to his being disabled by severe illness from appearing before the Commissioners. As to those of Messrs. Molony and Nicholson, his Lordship is in no such difficulty, they have fully detailed them in their evidence before the Commissioners, explaining the grounds for their decision. Before proceeding to consider them, his Lordship thinks it necessary to state shortly an outline of the occurrences at Donaghmore on the night of the 17th September last, as detailed before the Bench at the Petty Sessions by the clear, precise, and trustworthy evidence of Constable O'Neill, whose conduct both as a constable and as a witness merits the highest praise. Between the hours of 8 and 9 o'clock of that night his attention was attracted by the noise of drums and fifes, apparently coming from a body of persons marching from the direction of Pomeroy to Donaghmore, as well as by a similar noise apparently proceeding from another party marching from the direction of Castlecaulfield to the same place. The Pomeroy party first reached the town of Donaghmore, and instead of marching through it, turned round

at the Cross near the entrance of the town, and marched in the direction of Castlecaulfield; the two parties met and united a short distance from the entrance to the town of Donaghmore, and the united body being headed by two men on horseback, and accompanied by seven drums and two fifes, proceeded towards that town. Before the junction of the two parties the constable who had followed the Pomeroy party a short distance, returned to his barrack, which is the last house of the town on the Castlecaulfield road, and after a short delay he was followed by the united body, then numbering from 120 to 150 persons, marching towards the town to the music of drums; it being then dark night and nearly nine o'clock. When the two horsemen, who were some distance in front of the main body, came up to O'Neill; he requested one of them to prevent the beating of the drums until the party should have passed through the town, his request was complied with and the beating of drums ceased, but after a short pause Steenson Rainey came out from the main body, caught O'Neill by the breast, pushed him aside, and called on his comrades to beat on, which they did, until, through the exertions of Thornbury, the drumming was partially stopped. By this time, a third party had assembled, which may be described as the town party, numbering from eight to ten, and almost immediately a collision took place between the two parties, the town party assailing the others, who defended themselves, and at the same time pressed forward towards the town, so that both parties became engaged in a serious affray, if not a riot. O'Neill and the policeman Thackaberry, however, contrived to separate the combatants, and kept them apart for some time, but the drumming party still continuing to advance, again came into conflict of a still more serious kind near the Cross, with the town party, whose numbers had been by that time augmented. The Town party (comprising all those subsequently sent for trial on charge of illegal assembly and riot) being the assailants, striking with their hands and throwing stones, and some of the drumming party also striking them. At this crisis a shot was fired, but by which party was not proved, and after some time the constables succeeded in again separating the combatants, and in prevailing on the drumming party to leave the town, which they did, by the Pomeroy road, followed by several of the town party; and after a short interval a second shot was heard, coming from the place where both parties then presumably were. The constables were unable to identify any of the drumming party who came into actual personal collision with the town party on either of the occasions above referred to; but O'Neill clearly identified the five persons who appeared to summonses before the Bench to answer the charge of illegal assembly and riot as being members of the drumming party, one of them, M'Ateer, being engaged in beating a drum.

Mr. Molony, according to the short-hand writer's report, deposed, in his evidence before the Commissioners, that on this state of facts the Bench at Petty Sessions came to the conclusion that the original drumming party was not a riotous assembly, that it (*i.e.*, the drumming party) became a riotous one when the other (the town) party met and attacked them, but up to that the Bench did not consider that there had been any breach of the law, save when Rainey put his hands on the constable. That it was not a riotous assembly when they were beating the drums at that hour of the night, when they were told by the policeman to stop, and when one of them assaulted the policeman; that he, Mr. Molony, certainly did not consider it calculated to cause a breach of the peace; that such things often occurred without a breach of the peace; that such things do occur and breaches of the peace do take place; that certainly such things are calculated to create a breach of the peace; that they sometimes are, but that such an assembly as that which occurred at Donaghmore on the night of the 17th September last was not a riotous assembly, and that there was no reason why it should cause any terror; that it was not calculated to create a breach of the peace; adding, because it was unexpected, that the authorities had no notice of it, and it was not on a stated day, even though the assembly was premeditated, he was of opinion that such a collection of people as was assembled on the occasion should not cause any terror at such an hour of the night, and he is still of the same opinion; and that though he heard the evidence of O'Neill, that he (O'Neill) was afraid there might be a collision, yet he still thought that there was not a riotous party or one to cause terror to the peaceable inhabitants; that he dared to say it might be the cause of a breach of the peace, it might give such offence; but, if they (the drumming party), were left to themselves, he did not believe there would have been any breach of the peace; *i.e.*, if they had not been attacked by the other party; that he believed it was the beating of the drum provoked the attack.

Mr. Molony further stated that in his opinion to constitute the offence of an illegal assembly at Common Law, those present should have assembled for a riotous purpose, or with the intent to do some illegal act.

Mr. Nicholson's view of the law of illegal assembly and riot, as deposed to by himself, coincided to some extent with Mr. Molony's. He stated, however, in addition, that he

had taken the trouble of reading a little on the subject, that as regarded the parties who came to Donaghmore, from the direction of Pomeroy and Castlecaulfield, there was not an illegal assembly calculated to excite terror; that his opinion certainly was that the drumming of those parties caused the first attack; that the drumming was perfectly legal, and that the parties who beat the drums had a perfect right to do so; that therefore he put the drumming out of the question; that the drumming party were attacked by the other party and merely defended themselves; that he believed the drumming was calculated to annoy and to cause animosity, but it was not calculated to create terror or alarm, or to lead to a breach of the peace, though Roman Catholics would have considered it a great annoyance and might have considered themselves insulted, and that he believed the first assault was committed on the drumming party by the other party because the latter were annoyed at the beating of the drums.

His Lordship directs me further to state, that though he has most carefully read and considered the entire evidence from which the foregoing extracts have been made, he has not done so with the purpose of criticizing it or pointing out its inconsistencies or apparent contradictions, but for the more important one of satisfying himself what was the extent of legal knowledge possessed by the Dungannon Bench on the 1st of October last, when it entered on the investigation of charges of illegal assembly and riot against the several persons summoned to answer for the part each of them took in the transactions which occurred at Donaghmore on the night of the 17th September last. The result is that his Lordship is quite convinced, by their own evidence, that the majority of the Bench then had, and still continue to have, a very imperfect knowledge of what constitutes an illegal assembly, and it is only because he entertains this opinion that he sees no reason to dissent from that of the Commissioners—that the members of the Bench acted to the best of their judgment and were not influenced by any improper motive, though they were in error in dismissing on the merits the charge of illegal assembly and riot against five of the persons so summoned. Considering, however, that these and similar cases have produced complaints against the administration of justice, and that, unless corrected, they are likely to be productive of results most injurious to the public peace, by misleading those unacquainted with the law, his Lordship deems it necessary to state what is the law applicable to the offences of illegal assembly and riot as laid down by the highest authorities. The Commissioners, in their Report, have, as to the offence of riot, quoted the opinion of Mr. Baron Bramwell, as follows:—

"In cases of riot the rules of law and good sense seem the same. A man may take part in a riot, not merely by being an actual stone-thrower or shouting or yelling, if he be seen marching with them, so that his presence was an actual encouragement to the more active parties, he is as much a party in a riot as a soldier in a battle, who, although he did not fire, was there present to be brought up as a reserve."

Another most eminent Judge describes an illegal assembly thus:—

"It may be safely stated that an assembly of great numbers of persons, which from its general appearance and accompanying circumstances is calculated to excite terror, alarm, and consternation, is generally criminal and unlawful. All persons who form an assembly of this kind, disregarding its probable effect, and the alarm and consternation that are likely to ensue, and all who give countenance and support to it, are criminal parties.

"Whether any particular meeting be of a lawful or unlawful description must depend on the circumstances under which it is held, the manner in which it is brought together, and the conduct and demeanor of those who attend it. These being questions of fact, must be submitted in all cases to the judgment and determination of a jury—first a grand jury and then a petty jury, if a bill of indictment be found true; and it is not possible for a Judge to lay down, as matter of law, the precise boundary between a lawful and an unlawful assembly.

"The essence of criminality in such cases is the terror and alarm with which the peaceable and quiet subjects of Her Majesty must almost necessarily be affected, even those who are endowed with firmness and resolution; and therefore I have no hesitation in saying that such tumultuous assemblies *at night* can hardly, under any circumstances, be otherwise than criminal. I speak of the general law of the land applicable to all places in Her Majesty's dominions, and of the proceeding by indictment, with which alone you have to do against persons forming part of such meetings, whether as leaders and instigators of them, or as idle, and sometimes merely curious spectators, joining in such meetings without considering that by their so doing, they are swelling the apparent numbers of them, and increasing, however unwittingly, their power of mischief."

Another equally eminent Judge states the law shortly and pointedly as follows:—

"I take it to be the law of the land that any parties assembled under such circumstances as, according to the opinion of rational and firm men, are likely to produce danger to the tranquillity and peace of the neighbourhood, is an unlawful assembly."

His Lordship directs me to inform you that, adopting the law thus laid down, as he does to its fullest extent, he finds all the elements necessary to constitute a *primâ facie* case of illegal assembly against every one of the persons summoned before the Bench at Dungannon on the 1st October. There was manifest preconcert in the meeting at night of a large number of persons marching to music from different parts of the country for no avowed purpose, but manifestly for some common one. There was a determination shown to carry out that purpose by force, if their progress should be resisted; they were under leaders;

one of their number, before any attack was made on them, assaulted a police officer who, apprehending a riot, entreated them not to proceed. Disregarding this caution, they marched forward, with beat of drum, until they came into collision with those who, according to the opinions expressed in the evidence above extracted, would be annoyed, if not insulted, by their conduct, and when assailed they manifested every disposition to fight their opponents, thus not merely committing a breach of the peace, but causing a serious riot. If it be suggested that these parties had so assembled for the purpose of mutual support and protection in case of attack, the answer is,—The law declares "That an assembly of "a man's friends for the defence of his person against those who threaten to beat him if "he go to a particular market, &c., is unlawful, for he who is in fear of such insults must "provide for his safety by demanding security of the peace against the persons by whom "he is threatened, and not make use of such violent methods, which cannot but be "attended with the danger of raising tumults and disorders to the disturbance of the "public peace." Such being the law, it is obvious to any one acquainted with it, that a *primâ facie* case was established against all the accused persons of both parties, which rendered it the duty of the Bench to send every one of them for trial, except, perhaps, Thornbury; and that were it not for their want of knowledge of the law applicable to such cases, so clearly established by the testimony of Messrs. Molony and Nicholson, the decision of the Bench in dismissing the case on the merits against Andrew Dilworth, James M'Ateer, and William Stewart, would have been quite inexcusable, and must have been dealt with as such.

His Lordship desires me further to observe that though he has felt it his duty to point out thus strongly the want of judgment and knowledge displayed by the majority of the Bench on the occasion in question, yet he feels it but justice to them to add, as an extenuation of their error, that it is manifest the case for the prosecution was not efficiently opened, or the law applicable to the offences of illegal assembly and riot properly or indeed at all explained or pressed on them; and that all the members of the Bench, but Mr. Brooke, have this further excuse that the unfortunate interposition of that gentleman in preventing Constable O'Neill from answering the question, whether such an assembly as the drumming party was not calculated to produce terror, or alarm, or animosity, deprived his colleagues of the benefit of an answer which, as it now appears from O'Neill's evidence ought not to have left much doubt on any dispassionate mind that all the persons of both parties who took part in or countenanced by their presence the riotous proceedings in or near the town of Donaghmore on the night in question, were alike liable to a prosecution for the offences of illegal assembly and riot at common law, and on this branch of the case his Lordship trusts that in future no such grave miscarriage shall occur.

His Lordship desires me to further inform the Bench that it is not without regret he feels constrained to express his disapproval of the irregular manner in which the informations were taken in reference to the transactions at Donaghmore on the night of the 17th September.

The charge to be investigated was a misdemeanor of a very serious character, in which a large number of persons were implicated, and the most angry party feeling had been displayed.

In such a case it behoved the Justices to take care that the statutable rules laid down for their guidance should be strictly complied with. These are prescribed by the 14 & 15 Vic., cap. 93, sec. 14, which enacts:—

"That where anyone charged with an indictable crime or offence is brought before a Justice, he, before committal for trial or admitting to bail, shall, in the presence of the accused (who may put questions to any witnesses produced against him), take the deposition on oath and in writing of those who shall know the facts, and such depositions shall be read over and signed respectively by the witnesses who shall be so examined, and shall also be signed by those Justices, or one of them, who shall take the same; and that when the examination shall have been completed, the Justices, or one of them, shall read, or cause to be read, to the accused the several depositions, and take down in writing his statements, &c."

It appeared on the recent inquiry, that so far from this enactment having been attended to at the Dungannon Petty Sessions on the 1st of October, though the witnesses for the prosecution were fully examined and cross-examined before the Bench, no part of their evidence was then taken down in writing; but it was arranged that informations should be taken on a subsequent day before Mr. Lyle, and that accordingly, on the 3rd of October, Constables O'Neill and Thackaberry waited on the Petty Sessions Clerk, at Dungannon, in the absence of the accused or of any magistrate, and that he took down from them in writing, in the form of informations, a short and imperfect outline of the testimony they had given before the Bench two days previously, from which all the names of the drumming party were omitted, save that of Steenson Rainey. The constables then brought the documents so prepared to Mr. Lyle, who

neither read nor examined them, but after asking the constables if they had done so, swore them to the truth of the statements therein contained, and bound them to prosecute. It is not improbable that this illegal mode of discharging a plain obvious duty has exposed the Bench to the imputation of suppressing from the informations the names of some of the parties who were proved by trustworthy evidence to have more or less concurred in the same transactions for which other parties were sent for trial. Had the depositions been taken down from the witnesses' lips when they were examined there could have been no ground for this particular accusation against the Bench; and the only questions for inquiry and consideration would have been the propriety of the decision which dismissed on the merits the charges against those parties.

His Lordship can entertain no doubt that the Bench must be now so convinced of the impropriety of taking depositions in cases of indictable offences in such a manner, that he deems it sufficient to caution the Bench against falling into any similar disregard of the law in future, the evil consequences of which became so apparent during the recent inquiry. Had O'Neill's testimony been regularly taken down in writing no controversy about it could have arisen, as a reference to his deposition would have set all question at rest. It fortunately happened that his memory enabled him to detail with surprising accuracy his former evidence, but on one, perhaps the most important as well as most disputed point, the Commissioners were obliged to allow the reporter of a newspaper to be examined, not from his original notes but from an abridged transcript of them published in a newspaper, which could not be of any value when the controversy was as to the exact words of a most important question put to the Constable, which the interruption of a member of the Bench prevented him from answering.

In conclusion his Lordship desires that it shall not be supposed he denies the power of Magistrates to refuse taking Informations against persons charged before them with indictable offences, even in cases where they have no statutory jurisdiction to decide, and finally determine summarily, if there be a total failure of evidence to implicate the accused parties, as, for example, in cases where, though there is clear proof that a crime has been committed, *e.g.*, a murder, a larceny, or an assault, yet there is no sufficient or no credible evidence to establish that the person accused committed the act, but in cases where there is no doubt as to the truth of the facts deposed to as criminating the party charged with an offence, and the only question is as to the quality and legal consequences of his acts or those of his associates, Magistrates should be extremely cautious in refusing to take Informations unless in cases in which it shall clearly appear that, assuming the facts proved to be true and the inferences which the prosecutor seeks to draw from them be correct, these cannot in any possible view constitute an offence. In nearly all such cases the motives and objects of the accused parties, and the consequence or probable consequence of their acts, must more or less determine their guilt or innocence, and upon these it is the province of a Jury, instructed by a Judge as to the law applicable to the facts, to decide, and not of a Bench at Petty Sessions, and Magistrates can, therefore, rarely be justified in refusing to send such cases before that constitutional tribunal. His Lordship further desires me to acquaint the Dungannon Bench that the case on which he has felt it his painful duty to make this communication, affords a striking example of the mischiefs likely to result from the adoption of any other course, and that notwithstanding the very decisive answer of Mr. Nicholson to question 1285—"I can say that there was not the least evidence on which a Grand Jury could find a true Bill or a Petty Jury convict," it will be much safer for Magistrates to send cases of illegal assembly, and others of a similar character, for trial before Grand and Petty Juries, the ancient constituted tribunals, instead of dismissing them on the merits, and thus assuming to themselves a duty which, may be found, they are not well qualified to discharge.

I have the honour to be,

GENTLEMEN,

Your very obedient servant,

W. H. FILGATE.

10*th July*, 1867.

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LANDED ESTATES COURT (IRELAND).

RETURN to an Order of the Honourable The House of Commons, dated 7 February 1867;—*for*,

RETURNS "of the Net Annual Value of each LOT set up for SALE in the LANDED ESTATES COURT, IRELAND, during the Years 1865 and 1866; specifying the Quantity of Land in each Lot, and the Counties in which the Lands are situated:"

"And, of the Number of PETITIONS for SALE presented to the Court during the Four Years ending the 31st day of December 1866; specifying the Quantity of Land and the Net Annual Rental referred to in each Petition."

RETURN of the Net Annual Value of each LOT set up for SALE in the LANDED ESTATES COURT during the Years 1865 and 1866; specifying the Quantity of Land in each Lot, and the Counties in which the Lands are situated.

ESTATE.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Taylor	One lot	713 0 28	415 14 4	Kerry.
O'Grady	One lot	28 2 21	68 10 5	Waterford.
Kilroy	One lot	Houses	156 – –	Galway.
Whitley and others	One lot	44 2 27	39 6 2½	Cork.
FitzGerald and others	–	350 3 11	130 2 7½	Limerick.
Daniel O'Connell and John O'Connell.	1	119 2 29	41 2 7	Tipperary.
	2	102 1 33	60 19 10	Cork.
	3	116 3 16	66 10 1	ditto.
Herrick and another	1	118 2 20	42 11 8	ditto.
	2	7 0 33	16 17 8	ditto.
Moore and another	1	200 1 34	99 5 9	Kilkenny.
	2	56 2 19	45 1 –	ditto.
	3	28 0 22	19 18 10	ditto.
	4	47 0 11	47 12 10	ditto.
	5	215 0 7	112 14 8	ditto.
	6	214 1 1	125 2 1	ditto.
	7	85 2 10	50 1 8	ditto.
Roe	1	135 0 0	123 15 –	Queen's County.
	2	87 0 0	101 – 6	ditto.
Assignees, O'Brien	1	Houses	56 – –	Waterford.
	2	Houses	25 – –	ditto.
	3	Houses	30 2 –	ditto.
Cunningham and another	1	Average not stated	4 12 4	Leitrim.
	2	90 3 17	33 1 11	ditto.
Assignee, M'Swiney	1	House and 0 2 24	423 6 2	Cork.
	2	38 1 33	20 2 8	ditto.
Dundas and others	1	0 1 21	4 4 –	Dublin.
	2	Mill and 0 1 20	37 1 6	ditto.
Pilkington and others	One lot	Houses	40 17 10	Galway
Bryce	One lot	Houses	278 4 2	Antrim.
Stawell	One lot	30 1 13	50 15 5	Cork.
Smyth	One lot	Houses	57 – –	Dublin.
Howlett	One lot	Houses	115 6 9	Wexford.
Mills and others	One lot	Houses	18 10 1	Dublin.
Bellew	One lot	11 1 33	19 9 10	ditto.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Costello - - - -	1	House - -	28 1 3	Galway.
	2	Houses and plot of ground.	14 2 1	ditto.
Smith - - - -	1	537 3 35	250 11 –½	Clare.
	2	263 0 9	185 12 7½	ditto.
	3	491 2 4	608 6 –	Limerick.
Thompson and another -	1	Lot of ground and premises.	90 16 6	Monaghan.
	2	113 0 1	Annual value not stated.	ditto.
Trustees, Sherlock - -	1	Plots of ground and stores.	159 10 –	Cork.
	2	150 0 31	87 17 5	ditto.
	3	184 3 9	121 3 6	Waterford.
	4	197 0 37	119 7 1	Cork.
Busby - - - -	One lot -	36 1 38	224 12 8	Dublin.
FitzGerald and others -	One lot -	350 3 11	130 2 8	Limerick.
Doyle - - - -	One lot -	Houses - -	130 – –	Dublin.
A. Aronson - - -	1	House and 6 0 1	36 3 1	ditto.
	2	8 1 15	47 15 9	ditto.
Coneys - - - -	One lot -	80 0 9	41 5 6	Mayo.
Leeson - - - -	One lot	Mansion and 69 3 26	125 19 1	Wicklow.
Browne - - - -	1	240 3 35	108 13 3	Kildare.
	2	654 2 29	257 15 1	ditto.
	3	75 3 24	42 14 1	ditto.
	4	164 2 9	72 11 11	ditto.
	5	593 3 0	274 3 2	ditto.
Witherow - - -	One lot -	101 1 33	70 2 9	Londonderry.
Lalonette - - - -	One lot	House and 14 0 26	70 – –	Dublin.
Kehoe - - - -	1	House - -	139 6 2	ditto.
	2	House - -	28 – –	ditto.
Smallman - - -	One lot -	Houses - -	20 15 –	Tipperary.
Higgins - - - -	1	Plot of ground -	13 18 6	Mayo.
	2	Plot of ground and houses.	69 10 9	ditto.
	3	Houses - -	15 19 3	ditto.
	4	Plot of ground -	4 6 10	ditto.
O'Hare - - - -	1	144 3 10	128 16 4	Galway.
	2	125 2 16	68 1 8	ditto.
	3	119 3 20	64 9 11	ditto.
	4	480 1 36	40 – –	ditto.
Wisdom - - - -	1	Houses and 382 1 7	49 15 4	Wicklow.
	2	Houses - -	26 3 1	Dublin.
Warburton - - -	One lot	Houses and 117 0 30	134 1 10	King's County.
Jones - - - -	1	1,460 3 6	159 11 5	Galway.
	2	366 2 28	19 16 3	ditto.
	3	619 0 7	444 11 6	ditto.
	4	455 0 24	101 4 3	ditto.
	5	A fishery and 209 1 25	19 19 –	ditto.
	6	5 2 14	16 2 5	ditto.
	7	4 2 10	11 19 3	ditto.
	8	5 1 33	27 – –	ditto.
	9	4 1 4	8 7 2	ditto.
	10	7 3 8	4 5 9	ditto.
	11	572 1 33	135 10 4	ditto.
	12	House and 49 2 19	No annual value given - -	ditto.

Estate.	Lot.	Quantity. A. R. P.	Annual Value. £. s. d.	County.
Vesey	1	341 3 7	213 8 10	Kildare.
	2	278 0 25	242 8 5	ditto.
	3	740 1 19	392 14 3	ditto.
	4	220 0 16	204 – 5	Dublin.
	5	167 0 23	165 13 7	ditto.
	6	8 2 0	25 1 8	ditto.
Assignees, Claney	One lot	House and 133 2 15	65 19 2	Cork.
Armstrong	One lot	246 0 17	161 2 10	Tipperary.
Downing	One lot	225 1 25	125 – –	ditto.
Assignees, Gallagher	One lot	Houses	16 10 –	Dublin.
Langtry	One lot	161 3 15	443 10 –	Antrim.
Parker	One lot	146 2 4	278 2 9	Down.
Smith	One lot	House	70 – –	Dublin.
Assignees, Edwards	One lot	73 0 26	20 4 8	Wexford.
Swift	1	61 2 15	92 18 10	Dublin.
	2	65 2 6	20 – –	ditto.
Swift	One lot	207 2 19	162 1 2	Clare.
Evans	One lot	293 2 36	173 17 3	Queen's County.
M'Guinness	One lot	Houses and 1 3 10	29 18 3	Wexford.
Lawther	One lot	Houses and 58 2 38	244 7 6	Antrim.
Gray and others	1	House	27 – –	Dublin.
	2	House	27 – –	ditto.
	3	Houses	24 9 3	ditto.
Busby	One lot	36 1 38	224 12 8	ditto.
Smith	1	128 0 29	108 17 7	Meath.
	2	379 0 22	114 15 6	ditto.
Hovenden	One lot	50 0 10	23 19 2	Queen's County.
Thornton	1	29 3 5	41 11 10	Carlow.
	2	21 3 37	19 5 1	ditto.
	3	66 1 39	77 11 2	ditto.
	4	29 1 9	34 9 9	ditto.
	5	Houses and 0 3 36	10 – –	ditto.
Wexford Harbour Embankment Company.	One lot	150 3 38	32 13 5	Wexford.
Allman and another	One lot	575 0 21	96 15 10	ditto.
Assignees, Smith	One lot	193 1 13	134 2 3	Meath.
Duncan and another	One lot	38 1 27	22 13 1	Donegal.
Casserly	One lot	209 1 18	66 9 3	Roscommon.
Perrin	1	House	81 13 10	Dublin.
	2	House	5 15 5	ditto.
Mason	1	House	26 13 2	ditto.
	2	House	40 – –	ditto.
Dinnen and others	7	18 0 21	6 9 3	Antrim.
Trustees, Kean	One lot	2,581 2 18	194 3 10	Meath.
Austin	One lot	Houses	93 10 –	Dublin.
Todd	One lot	25 1 35	30 10 –	Down.
Rutledge	1	3,409 1 8	85 7 5	Mayo.
	2	84 0 27	28 15 6	ditto.
	3	546 0 39	117 10 –	ditto.
	4	710 3 11	40 3 10	ditto.
	5	1,015 2 25	203 5 5	ditto.
Assignee, M'Swiney	1	Mill, mill-house and 0 2 24	423 6 2	Cork.
	2	38 1 33	20 2 8	ditto.
Digan	1	140 3 30	246 15 3	Tipperary
	2	87 3 2	145 18 6	ditto.
	3	100 0 16	47 13 4	ditto.
	4	67 0 5	16 3 6	ditto.
	5	Houses	124 16 6	Clare.
Mahon	One lot	112 2 16	109 6 –	Galway.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Arundel and others - -	One lot -	Houses - -	62 2 –	Dublin.
Sadlier - - - -	One lot -	0 0 28	– 9 11	Waterford.
Assignees, Sloan - -	One lot -	Houses - -	70 3 6	Antrim.
Palmer and others - -	One lot -	225 3 4	126 15 3	Queen's County.
Vigors - - - -	1	252 3 5	225 2 11	Kilkenny.
	2	190 1 18	20 17 6	Tipperary.
Scott - - - -	1	96 2 15	194 5 2	Londonderry.
	2	16 1 3	28 8 6	ditto.
	3	House and 26 3 16	30 19 10	ditto.
Barbor - - - -	1	379 3 17	411 9 –	Longford.
	2	28 1 19	67 4 5	ditto.
O'Neill - - - -	1	Houses and plot of ground.	79 – –	Dublin.
	2	Houses - -	88 – –	ditto.
St. George - - -	One lot -	449 0 4	302 3 6	Kilkenny.
Kingston and others - -	One lot -	710 1 30	342 11 9	Cork.
Percy - - - -	1	101 1 29	242 19 8	Leitrim.
	2	66 3 31	75 3 5	ditto.
	3	125 1 22	131 17 6	ditto.
	4	57 1 36	64 11 –	ditto.
Sadleir - - - -	1	Houses and 176 0 10	180 13 11	Waterford.
	2	Houses and 242 2 30	307 10 4	ditto.
	3	Houses and 27 1 31	82 9 5	ditto.
	4	Houses and 3 0 11	147 – 3	ditto.
	5	Houses and 1 1 39	62 11 3	ditto.
	6	Houses and 145 3 29	193 6 1	ditto.
	7	148 1 21	83 12 2	ditto.
	8	763 1 22	581 3 3	Tipperary.
Aynsworth - -	One lot	Tenements and 70 0 23	197 16 –	Down.
Studdert and others - -	1	710 3 11	164 – 2	Kerry.
	2	93 0 23	145 17 10	Limerick.
	3	76 0 4	54 9 10	ditto.
Crawford - - -	One lot -	1,179 0 8	155 3 6	Donegal.
Jones - - - -	1	619 0 7	444 11 6	Galway.
	2	5 2 14	16 2 5	ditto.
	3	5 1 33	27 – –	ditto.
	4	7 3 8	4 5 9	ditto.
	5	572 1 34	135 10 4	ditto.
	6	House and 49 2 19	100 – –	ditto.
Roe - - - -	1	465 1 4	419 4 6	Cavan.
	2	Houses and 17 0 29	54 7 8	ditto.
	3	175 3 28	104 8 10	ditto.
Doake - - - -	1	Houses - -	54 4 –	Dublin.
	2	Houses - -	54 5 6	ditto.
	3	Houses - -	54 4 –	ditto.
Goff - - - -	One lot -	Fee farm rent -	143 – 5	Kilkenny.
Maxwell - - - -	One lot	Houses and 3 2 25	87 18 –	Limerick.
		508 1 13	no value given.	

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Greer	1	405 1 22	209 4 6	King's County.
	2	497 0 35	142 8 –	ditto.
	3	House and 1 2 25	35 8 4½	Dublin.
	4	House and 0 1 10	6 – –	ditto.
	5	Houses - -	41 5 3	ditto.
	6	627 3 31	51 13 2½	Kildare.
	7	2 2 5	7 7 9	Dublin.
	8	House and 1 3 19	12 – –	ditto.
	9	House, &c. -	20 6 6	ditto.
	10	Fee farm rent -	197 8 10	King's County.
	11	House and fee farm rent.	139 7 1	Dublin.
Marrett	One lot -	77 1 15	59 10 8	Clare.
Courtenay and others	1	14 1 10	2 – –	Louth.
	2	House, &c. -	13 1 0	ditto.
	3	House, &c. -	35 10 9	ditto.
	4	Houses, &c. -	125 9 3	ditto.
	5	Houses and 2 1 6	60 18 6	ditto.
Assignees, Kenny	1	Cottages and 1 1 3	49 17 4	Dublin.
	2	Cottages - -	42 12 8	ditto.
	3	House, &c. -	Head rent exceeds tenant's rent.	ditto.
Upton	One lot -	Cottages and 37 0 28	67 19 4	Louth.
Greer	1	Houses, &c. -	32 9 8	Dublin.
	2	Houses, &c. -	8 18 6	ditto.
	3	Store-yard -	18 – –	ditto.
Enery and others	One lot -	1,019 1 4	461 1 3	Fermanagh.
Finn	1	Houses, &c. -	22 10 –	Waterford.
	2	Houses, &c. -	23 10 9	ditto.
Rorke	One lot -	175 1 17	257 1 5	Dublin.
Administratrix, Jardine	One lot -	25 1 8	40 – –	Down.
Busby	One lot -	36 1 38	224 12 8	Dublin.
Sandes	One lot -	2,619 3 16	601 5 6	Kerry.
Cowran	1	House, &c. -	36 14 –	Dublin.
	2	House, &c. -	36 14 –	ditto.
	3	Garden and house	50 – –	ditto.
Byrne	1	437 3 26	305 16 2	Louth.
	2	280 3 26	135 9 2	ditto.
	3	113 0 12	91 18 8	ditto.
	4	61 0 33	59 16 6	ditto.
Stuart and another; Trustees, Banfurly.	1	135 3 25	102 9 4	Fermanagh.
	2	138 1 34	18 18 5	ditto.
	3	255 0 32	43 11 5	ditto.
	4	203 0 34	95 8 2	ditto.
	5	166 1 23	95 8 2	ditto.
Buckingham and Chandos	1	247 1 39	125 14 6	Westmeath.
	2	452 2 14	239 15 10	ditto.
	3	616 2 3	129 16 1	ditto.
	4	220 0 10	126 9 5	ditto.
	5	212 0 27	130 11 –	ditto.
	6	574 2 32	193 17 9	ditto.
	7	163 1 2	66 1 11	ditto.
	8	329 1 1	153 9 8	ditto.
	9	197 3 22	137 5 1	ditto.
	10	416 3 12	262 17 4	ditto.
	11	364 0 6	285 9 –	ditto.
	12	493 3 5	191 1 8	ditto.
O'Hare	One lot -	870 3 2	301 7 11	Galway.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Dinnen and others	1	Houses, yards, and stores, &c.	22 6 –	Antrim.
	2	Houses and offices, &c.	142 8 5	ditto.
	3	Head rent and ground rent of houses, garden, &c.	42 14 1	ditto.
	4	3 0 32	4 2 3	ditto.
	5	Piece of ground	8 17 3	ditto.
	6	34 3 38	11 16 8	ditto.
	7	Houses, &c.	291 4 –	ditto.
Garvey	One lot	516 3 5	143 12 1	Mayo.
Going	One lot	100 3 10	62 5 –	Limerick.
Assignees, Smith	One lot	193 1 13	134 2 3	Meath.
Manning	1	1 0 14	15 19 10	Wicklow.
	2	Houses and 0 1 3	23 – –	ditto.
	3	House and 0 2 3	12 – –	ditto.
	4	House and 0 1 39	17 18 –	ditto.
McMahon	One lot	Houses and plot of ground.	31 1 7	Limerick.
Costello	1	House	40 – –	Galway.
	2	Houses, &c.	120 18 5	ditto.
	3	Houses and 0 0 32	60 19 6	ditto.
Denahy and others	One lot	73 0 17	56 – –	Cork.
Sullivan	One lot	2,309 0 21	604 13 4	Kerry.
Little	1	88 1 35	97 8 4	Tyrone.
	2	6 1 35	5 3 6	ditto.
	3	52 0 28	56 18 5	ditto.
Percy	1	101 1 29	167 19 8	Leitrim.
	2	66 3 31	63 11 5	ditto.
	3	125 1 22	112 17 6	ditto.
	4	57 1 36	53 11 –	ditto.
Gray and others	1	House, &c.	27 – –	Dublin.
	2	House, &c.	27 – –	ditto.
	3	Houses	24 9 3	ditto.
Ottley	1	Fee farm rent	98 17 –	Cork.
	2	1,080 3 10	157 19 3	ditto.
	3	151 0 26	73 16 11	Limerick.
Kilroy	One lot	Houses, offices, and store.	156 – –	Galway.
Nestor and others	One lot	House and plot of ground.	7 6 –	ditto.
Swift	One lot	65 2 6	150 – –	Dublin.
Murphy	One lot	59 1 15	30 – –	Waterford.
Allman	One lot	631 3 24	88 3 –	Cork.
Assignees, Wallnutt	One lot	House and 1 0 26	11 – –	Limerick.
Caulfield	One lot	86 2 0	25 7 8	Mayo.
Garvey	One lot	516 3 5	143 12 1	ditto.
Assignees, Cunningham	1	Houses and 12 3 35 ground rents	127 14 –	Dublin.
	2	Quarry and 2 1 30	44 2 6	ditto.
Hovenden	One lot	50 0 10	23 19 2	Queen's County.
Executrix, Hurst	One lot	Houses	252 12 4	Dublin.
St. George	One lot	449 0 4	302 3 6	Kilkenny.
Assignee, Higgins	1	Houses, &c.	23 7 –	Mayo.
	2	House, &c.	6 10 –	ditto.
	3	Store and yard	19 – –	ditto.
	4	92 3 18	29 9 2	ditto.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Curtin - - - -	One lot -	296 1 5	169 2 9	Clare.
Vesey - - - -	1	226 0 0	112 18 10	Roscommon.
	2	44 1 15	9 17 10	Galway.
Assignees, Mowlds - -	One lot -	54 1 9	95 – –	Dublin.
Metcalfe - - - -	One lot -	268 1 26	43 6 8	Tipperary.
Piers - - - -	One lot -	260 3 7	172 1 –	Wexford.
Flood - - - -	1	Houses - -	38 12 –	Dublin.
	2	House - -	52 – –	ditto.
Tobin - - - -	1	Houses, and 3 2 19	45 11 11	ditto.
	2	Houses and plot of ground 1 0 1	60 – –	ditto.
	3	Houses and plot of ground 0 1 4	6 6 –	ditto.
	4	House, &c. -	14 – –	ditto.
Rorke - - - -	One lot -	175 1 17	257 1 5	ditto.
Blake - - - -	One lot -	63 2 37	50 15 5	ditto.
Livesay - - - -	One lot -	358 3 29	104 19 7	Mayo.
Quarry - - - -	1	243 2 31	253 16 2	Waterford.
	2	31 3 14	8 6 1	ditto.
Skellerne and others - -	One lot -	134 3 2	78 6 7	Cavan.
O'Neill - - - -	1	Houses and plot of ground.	79 – –	Dublin.
	2	Houses - -	80 – –	ditto.
Butler - - - -	One lot -	Fee farm rent -	235 6 6	Tipperary.
Upton - - - -	One lot -	Cottages and 37 0 28	67 19 4	Louth.
Lawder and others - -	One lot -	424 2 33	104 9 10	Westmeath.
Executor, Fisher. - -	One lot -	Houses - -	39 1 6	Down.
Smith - - - -	One lot -	Cottage and 1 2 30	20 11 6	Dublin.
Allen and others - -	One lot -	House - -	48 10 9	ditto.
Rowan - - - -	1	154 1 12	146 6 1	Antrim.
	2	255 0 19	258 17 5	ditto.
	3	425 2 16	201 2 10	ditto.
	4	223 2 8	98 – 2	ditto.
Ratigan - - - -	1	Ground and houses.	140 – –	Dublin.
	2	Ground and house.	60 – –	ditto.
	3	Ground and house.	45 – –	ditto.
	4	Ground and house.	10 – –	ditto.
	5	Plot of ground -	80 – –	ditto.
	6	Ground and house.	158 9 3	ditto.
	7	Ground and house.	13 17 –	ditto.
	8	Ground and house.	30 – –	ditto.
	9	Ground and house.	20 – –	ditto.
	10	Ground and house.	22 10 –	ditto.
	11	Ground and house.	22 10 –	ditto.
	12	Ground and house.	17 10 –	ditto.
Trustees, Heard - -	One lot -	34 3 15	14 – 11	Longford.
Quin - - - -	1	213 2 1	81 10 –	Clare.
	2	249 1 8	82 17 4	ditto.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Administrator, Smith -	One lot -	Houses - -	40 – –	Dublin
Executrix, Sargint - -	One lot -	Plots of ground -	26 10 8	Tipperary.
Macartney - - -	1	256 3 17	83 8 5	Antrim.
	2	Life estate in fee farm rents.	28 7 6	ditto.
	3	Life estate of the owner in 3,919 0 36	717 9 3	ditto.
	4	Life estate of the owner in 391 3 7	195 19 9	ditto.
	5	Life estate of the owner in 2,364 2 39	380 – 10	ditto.
	6	Life estate of the owner in 2,050 2 37	297 17 10	ditto.
	7	Life estate of the owner in 3,178 3 36	165 14 5	ditto.
	8	Life estate of the owner in 20 0 20	Stead rent exceeds yearly value - -	ditto.
Boyle - - - -	One lot -	169 3 24	57 16 4	Londonderry.
Turner - - - -	1	House - -	8 5 –	Down.
	2	House - -	9 8 8	ditto.
	3	House - -	9 4 7	ditto.
Magee - - - -	One lot -	206 2 10	71 4 9	Leitrim.
Knox - - - -	One lot -	828 3 2	20 9 –	Meath.
O'Connor - - - -	1	375 3 5	129 11 7	Sligo.
	2	376 2 3	125 2 8	ditto.
Gibson and others - -	One lot -	Houses - -	176 6 2	Dublin.
Moffitt - - - -	One lot -	2 1 20	Annual value not given.	Fermanagh.
Byrne and another - -	1	101 2 24	56 2 7	Galway.
	2	31 1 34	27 8 4	Mayo.
Hughes - - - -	One lot -	503 2 15	487 12 1	Cork.
Assignees, Shinnor - -	One lot -	148 3 15	99 4 2	ditto.
Devisees, Carroll - -	1	Cottages and 7 0 24	23 14 6	Tipperary.
	2	Mill, tanyard, and 0 1 15	73 18 5	ditto.
	3	Houses - -	23 14 –	ditto.
	4	House - -	45 – –	ditto.
	5	Houses - -	55 18 –	ditto.
	6	Houses - -	55 5 –	ditto.
Trustees, Kean - - -	One lot -	1,137 1 19	120 – –	Wicklow.
Bunbury - - - -	One lot -	Pepetual annuities of no acreage given.	34 10 –	Carlow and Kildare.
Snow - - - -	One lot -	House and 27 2 30	99 1 1	Kilkenny.
Elliott - - - -	1 -	Houses and 0 3 7	50 14 5	Antrim.
	2 -	Houses and 0 3 33	57 – –	ditto.
	3 -	Houses and 1 0 11	62 – –	ditto.
Walker - - - -	One lot -	419 0 27	92 3 5	Limerick.
Gillier - - - -	One lot -	Houses - -	63 18 –	Mayo.

Estate.	Lot.	Quantity. A. R. P.	Annual Value. £. s. d.	County.
Wilson	1	254 0 0	638 7 10	Limerick.
	2	29 0 15	45 – –	ditto.
	3	123 3 15	131 19 2	ditto.
	4	172 0 16	324 – –	ditto.
	5	72 2 31	125 3 –	ditto.
	6	145 3 13	210 16 3	ditto.
	7	226 0 28	341 10 8	ditto.
	8	2,093 2 11	30 6 1	ditto.
	9	127 1 3	135 10 10	Clare.
	10	95 2 3	38 – –	ditto.
	11	108 1 11	48 19 –	ditto.
	12	153 2 21	56 15 8	ditto.
	13	159 3 2	131 – –	ditto.
	14	136 2 14	144 10 –	ditto.
	15	92 3 22	30 15 –	ditto.
	16	154 1 15	29 10 9	ditto.
	17	331 2 38	121 7 3	ditto.
	18	247 2 27	18 15 9	ditto.
	19	Houses - -	2 6 2	ditto.
Humphrys	One lot	107 1 15	48 9 5	Monaghan.
Kennedy	1	419 3 3	116 3 10	Leitrim.
	2	47 3 6	16 15 7	Roscommon.
	3	41 0 1	20 9 6	ditto.
Valentia	One lot	1,982 2 9	347 12 1	Clare.
Barton	One lot	330 0 5	322 3 4	Tipperary.
Nixon	One lot	194 0 20	82 5 3	Fermanagh.
Massy	One lot	178 3 38	218 13 10	Limerick.
O'Neill	1	Houses - -	79 – –	Dublin.
	2	Houses - -	88 – –	ditto.
Connor	1	10 0 17	11 15 1	ditto.
	2	35 1 7	24 2 6	ditto.
	3	2 2 37	3 10 –	ditto.
O'Donel	1	House - -	44 4 2	ditto.
	2	House - -	72 6 2	ditto.
	3	137 1 17	21 13 2	Sligo.
Leeds	1	334 0 34	292 6 11	King's County.
	2	90 1 20	81 2 7	Meath.
	3	146 0 3	155 – 11	ditto.
	4	57 2 0	41 16 5	Dublin.
Latouche	1	53 1 38	212 13 10	ditto.
	2	16 3 35	43 13 1	ditto.
	3	86 3 18	239 10 10	ditto.
	4	1 0 18	5 – –	ditto.
	5	39 3 27	103 9 2	ditto.
	6	43 3 2	98 2 8	ditto.
	7	Houses and 45 2 14	148 2 6	ditto.
Coghlan	1	Houses - -	39 6 6	Cork.
	2	Houses - -	25 10 7	ditto.
Clery	One lot	129 0 0	84 9 5	ditto.
Assignees Skelton	1	0 3 0	40 4 11	Louth.
	2	Plot of ground -	32 13 –	ditto.
	3	Houses and 0 3 28	70 18 11	ditto.
Lawler and another	One lot	237 2 15	121 3 3	Clare.
Fleming	One lot	Mill, &c. 2 0 15	50 19 2	Galway.
Clarke	One lot	434 2 34	808 18 –	Meath.
French	One lot	119 1 26	80 15 2	Galway.
Bryan	One lot	Houses in Kingstown.	Annual value not given.	Dublin.
Currell	One lot	Mills and 32 3 20	34 8 10	Antrim.
Dillon	One lot	2,856 0 10	2,909 12 9	Meath.
Trench	One lot	483 3 17	128 11 1	Westmeath.
Power	One lot	Coal yard and stores.	45 – –	Waterford.
Curtis	One lot	451 0 4	197 5 5	Cork.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Leeds - - - -	1	6,381 1 5	1,450 16 10	Queen's County.
	2	938 1 31	390 15 –	ditto.
Assignees Gihon - -	1	Houses and 342 3 16	741 – 4	Antrim.
	2	Houses and 17 2 14	117 15 10	ditto.
	3	Houses, gardens, &c. and 11 0 38	140 6 –	ditto.
	4	House and 41 3 11	130 – –	ditto.
Goff - - - -	2	33 2 26	6 9 3	Kilkenny.
	6	108 0 2	70 14 –	ditto.
	8	43 0 17	40 – 11	ditto.
	9	15 1 5	13 12 3	ditto.
	10	329 0 1	151 1 4	ditto.
Costello - - - -	1	Houses - -	20 12 –	Galway.
	2	Houses, tanyard, &c.	94 15 1	ditto.
	3	Houses - -	8 3 –	ditto.
Shields - - - -	One lot -	38 3 37	40 14 7	Tyrone.
Lynch - - - -	1	House - -	30 – –	Galway.
	2	Store and yard -	30 – –	ditto.
	3	Store and yard, &c.	40 – –	ditto.
Executors Baldwin - -	1	Houses - -	67 11 8	Dublin.
	2	Houses - -	14 6 2	ditto.
	3	Houses - -	6 9 3	ditto.
Brereton - - - -	1	216 3 13	122 4 8	Wexford.
	2	507 1 29	9 7 10	ditto.
	3	274 3 3	21 6 7	ditto.
	4	39 1 19	34 16 4	ditto.
	5	349 3 31	34 4 –	ditto.
	6	House, &c. -	25 4 8	ditto.
Goff - - - -	3	153 2 12	93 10 6	Kilkenny.
	4	179 3 33	83 18 11	ditto.
	5	155 1 20	84 4 10	ditto.
	7	147 1 9	102 19 6	ditto.
	1	478 0 37	36 4 5	ditto.
	12	331 1 20	123 12 4	ditto.
O'Brien - - - -	1	139 0 39	72 8 8	Clare.
	2	252 1 28	66 10 7	ditto
	3	168 0 13	126 8 2	ditto
	4	101 1 14	53 – 5	ditto
	5	2 0 28	20 19 3	ditto
	6	Houses - -	25 4 5	ditto
Haughton - - -	One lot -	377 0 38	287 – 5	Carlow.
McCausland and others -	One lot -	394 2 1	313 16 9	Galway.
Trustees Kean - - -	1	219 1 3	216 11 2	Dublin.
	2	304 2 14	197 5 1	ditto.
	3	245 0 21	60 13 9	ditto.
	4	593 3 20	27 16 –	Dublin and Wicklow.
	5	62 1 3	59 10 11	Meath.
	6	286 2 31	11 1 6	ditto.
	7	826 2 39	150 5 8	Wicklow.
	8	213 2 17	35 14 11	ditto.
	9	378 1 9	83 15 2	ditto.
	10	515 0 39	45 11 6	ditto.
	11	184 0 20	20 12 7	ditto.
	12	597 2 19	137 3 6	ditto.
	13	584 1 24	76 16 3	ditto.
	14	216 2 20	9 14 11	ditto.
	15	Houses - -	11 1 6	Dublin.
	16	Houses - -	11 1 6	ditto.
	17	13 1 23	10 11 3	Meath.
	19	2,581 2 18	194 3 10	ditto.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Benton and others - -	One lot.	Houses. - -	51 17 –	Cork.
Valentia - - - -	1	324 3 3	225 7 10	Meath.
	2	282 0 3	227 10 –	ditto.
	3	92 2 17	87 – –	ditto.
	4	207 3 6	118 9 –	ditto.
	5	144 0 20	47 19 6	ditto.
	6	432 2 22	165 1 2	ditto.
Gonnell and another -	One lot.	20 0 16	63 15 –	Cork.
McDonogh - - -	One lot.	Houses. - -	74 17 6	Dublin.
Trustee Garde - - -	1	118 3 11	20 3 7	Cork.
	2	38 2 33	33 2 11	Tipperary.
	3	53 2 10	43 8 6	Cork.
Hutton - - - - -	1	256 2 1	370 12 5	Tyrone.
	2	182 3 22	233 15 10	ditto.
	3	177 2 21	247 17 11	ditto.
Rice - - - -	One lot.	560 1 25	61 8 8	Leitrim.
Spear - - - - -	1	178 3 31	87 10 3	Tyrone.
	2	305 3 8	77 9 8	ditto.
	3	75 1 0	132 15 9	ditto.
Smallman - - -	1	Houses and 1 1 14	42 10 8	Tipperary.
	2	Houses and 0 2 4	37 12 4	ditto.
	3	Houses and 1 1 5	24 9 6	ditto.
	4	Plot of ground 0 1 16	1 – –	ditto.
	5	Houses and 4 0 8	29 10 6	ditto.
	6	Houses and 0 0 32	4 14 7	ditto.
	7	Houses and 0 1 10	50 8 –	ditto.
	8	Houses and 0 2 12	34 – 8	ditto.
Barton - - - - -	One lot	Houses and gardens	28 8 2	Monaghan.
Valentia - - - -	1	351 1 23	200 4 8	Wexford.
	2	367 2 8	108 8 10	ditto.
	3	215 2 3	109 6 5	ditto.
	4	59 0 2	27 – –	ditto.
	5	178 2 32	95 5 –	ditto.
	6	239 3 32	63 14 6	ditto.
	7	116 3 22	47 18 5	ditto.
	8	184 3 38	106 3 8	ditto.
	9	246 0 33	137 1 6	ditto.
	10	220 2 8	112 3 11	ditto.
	11	83 0 4	52 19 10	ditto.
	12	41 0 0	26 10 –	ditto.
	13	117 0 10	84 5 4	ditto.
	14	23 0 19	12 10 –	ditto.
	15	4 3 24	6 11 11	ditto.
	16	79 2 17	53 19 7	ditto.
	17	71 3 39	69 16 1	ditto.
	18	182 2 6	110 8 7	ditto.
	19	57 2 7	28 7 6	ditto.
	20	155 1 4	86 7 6	ditto.
	21	150 0 12	79 9 10	ditto.
	22	143 2 10	77 5 11	ditto.
	23	186 1 26	75 13 8	ditto.
	24	54 3 33	17 15 –	ditto.
	25	134 3 10	50 4 8	ditto.
	26	17 1 27	9 4 –	ditto.
	27	121 0 35	48 17 11	ditto.
	28	11 1 37	20 14 –	ditto.
	29	74 0 20	59 5 –	ditto.
	30	70 2 38	30 – –	ditto.
	31	40 2 5	16 – –	ditto.
	32	131 0 24	87 – –	ditto.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Valentia—*continued.*	33	110 0 30	69 6 –	Wexford.
	34	133 2 15	70 16 –	ditto.
	35	116 0 18	54 1 –	ditto.
	36	75 2 1	34 – –	ditto.
	37	154 3 21	72 9 9	ditto.
	38	265 0 17	158 2 4	ditto.
	39	141 2 0	65 17 –	ditto.
	40	174 1 33	103 19 6	ditto
	41	128 0 31	51 15 –	ditto.
	42	1,251 2 29	718 13 8	ditto.
	43	216 2 4	165 6 4	ditto.
	44	46 2 21	34 3 –	ditto.
	45	3 3 13	2 18 6	ditto.
	46	1,693 2 5	910 8 4	ditto.
	47	758 3 1	430 14 –	ditto.
	48	422 2 39	211 15 8	ditto.
	49	233 3 25	150 – –	ditto.
	50	158 0 1	113 – –	ditto.
	51	254 2 34	180 14 6	ditto.
	52	358 3 2	244 2 2	ditto.
Chapple and another -	1	347 3 21	609 19 10	Limerick.
	2	322 2 15	411 6 11	ditto.
	3	322 2 15	411 6 11	ditto.
	4	347 3 21	609 19 10	ditto.
	5	131 2 36	162 19 8	ditto.
Ballantine - - -	One lot	Houses - -	29 18 –	Londonderry
Assignee, Starnett - -	One lot	304 2 16	37 9 7	Limerick.
Stanford - - - -	1	112 3 29	40 3 4	Mayo.
	2	125 2 4	52 18 10	ditto.
Baldwin - - - -	One lot	House - -	30 – –	Dublin.
Dickenson - - -	1	50 2 23	78 7 2	Down.
	2	18 2 31	30 18 4	ditto.
	3	23 2 26	44 17 3	ditto.
	4	12 0 2	24 – 8	ditto.
	5	9 3 15	17 12 –	ditto.
	6	38 0 21	71 13 –	ditto.
	7	8 3 7	19 16 –	ditto.
	8	3 3 30	9 18 –	ditto.
	9	4 3 26	13 10 –	ditto.
	10	6 0 18	9 4 6	ditto.
	11	6 0 30	10 11 1	ditto.
	12	20 1 1	29 11 5	ditto.
	19	12 3 31	24 17 2	ditto.
	20	11 0 18	18 8 5	ditto.
	21	61 3 13	107 3 5	ditto.
	22	29 3 4	58 – 10	ditto.
	24	29 0 23	56 16 4	ditto.
	25	53 2 33	102 1 8	ditto.
	26	32 2 33	55 5 –	ditto.
	27	10 0 29	19 13 3	ditto.
	28	6 2 10	6 10 –	ditto.
Siree - - - -	One lot	Houses - -	164 – –	Dublin.
Kirwan - - - -	1	751 2 5	317 1 5	Clare.
	2	319 1 17	187 14 –	ditto.
	3	242 1 10	103 9 11	ditto.
	4	176 0 39	76 2 5	ditto.
	5	420 3 31	218 9 4	ditto.
	6	412 3 12	156 3 6	ditto.
	7	295 1 26	115 18 9	ditto.
	8	327 1 24	695 12 8	ditto.
	9	177 2 10	235 9 7	ditto.
	10	856 3 26	210 11 1	ditto.
	11	539 3 4	236 15 7	ditto.
	12	595 3 4	54 15 10	ditto.
	13	396 2 26	46 3 1	ditto.
	14	961 1 28	368 12 2	ditto.
Revell - - - -	One lot	203 0 5	136 1 2	Carlow.
Assignee, Shera - -	One lot	House - -	23 1 –	Leitrim.
Trustee, Furlong - -	One lot	46 2 33	44 10 –	Wexford.
Trustee, Walsh - -	One lot	Houses - -	30 – –	Louth.

Estate.	Lot.	Quantity. A. R. P.	Annual Value. £. s. d.	County.
Ryan	1	233 1 5	Annual value not given.	Tipperary.
	2	58 3 0	Annual value not given.	ditto.
	3	58 2 4	99 12 10	ditto.
Smyth	1	84 0 24	183 10 2	Limerick.
	2	63 0 14	26 3 10	ditto.
Flood	One lot	House	168 9 4	Dublin.
Assignees, Dillon	One lot	House	40 14 –	ditto.
Moore	One lot	Houses	106 11 8	Antrim.
Tully	One lot	333 2 33	70 18 8	Roscommon.
Frazer	One lot	House	65 – –	Dublin.
Allnutt	One lot	227 2 0	48 6 6	Galway.
Gore	One lot	1 3 4	Annual value not given.	Dublin.
Porter and others	1	Houses	12 18 6	Dublin.
	2	Houses	29 19 10	ditto.
	3	Houses	29 19 10	ditto.
Barclay	One lot	175 1 30	67 18 4	Clare.
Barry	One lot	146 0 21	255 9 5	Cork.
Sweetman	One lot	613 1 0	262 7 8	Wexford.
Barry	1	62 3 12	Annual value not given.	Cork.
	2	68 3 26	38 5 5	ditto.
Pollock	1	74 2 12	22 14 8	Antrim
	2	2 2 10	1 15 5	ditto.
	3	13 1 35	13 18 7	ditto.
	4	0 3 37	1 4 9	ditto.
Stewart	One lot	90 3 0	43 15 –	Tyrone.
Penrose	1	110 1 33	83 4 4	Cork.
	2	77 2 3	61 – –	ditto.
	3	80 0 5	77 2 3	ditto.
	4	78 2 14	62 3 5	ditto.
Smith	One lot	Houses	26 – –	Cork.
Fitzgibbon	One lot	87 1 38	48 – –	ditto.
Wrixon	1	Houses	14 18 11	Cork.
	2	Houses	14 18 10	ditto.
King	1	540 2 28	153 10 7	Cavan.
	2	169 0 23	80 – 5	ditto.
	3	114 1 29	21 4 7	ditto.
	4	734 0 31	50 15 4	ditto.
	5	1,545 2 20	28 12 6	ditto.
	6	766 3 25	44 6 2	ditto.
	7	283 0 11	188 7 4	Fermanagh.
	8	252 3 37	160 – 5	ditto.
	9	3 2 12	49 1 6	ditto.
Shannon	1	Houses	93 6 2	Dublin.
	2	Houses	28 – –	ditto.
Assignees, Weatherup	One lot	Houses	40 – –	Dublin.
Waters and another	One lot	1 0 34	18 9 10	Tipperary.
Preston	1	185 1 28	218 3 8	Tipperary.
	2	171 1 29	130 9 7	ditto.
	3	234 2 23	166 10 4	ditto.
Preston	One lot	234 2 23	166 10 4	Tipperary.
Woodroofe	1	Houses	18 18 6	Dublin.
	2	Houses	60 3 –	ditto.
	3	Houses	8 12 4	ditto.
	4	House	50 10 –	ditto.
	5	House	48 – –	ditto.
Clarke	One lot	1 0 31	29 – –	Galway.
Fogarty	One lot	Houses	35 16 1	Tipperary.
Lodge	1	93 1 8	87 7 6	Armagh.
	2	37 0 37	24 – 10	ditto.
	3	Houses	63 – –	ditto.

Estate.	Lot.	Quantity. A. R. P.	Annual Value. £. s. d.	County.
Jordan	1	39 1 13	Annual value not given.	Mayo.
	2	Houses and 0 1 39	6 – –	ditto.
	3	House and 0 0 33	9 – –	ditto.
	4	30 3 2	27 18 9	ditto.
Flanagan	One lot	146 0 7	60 6 8	Clare.
M'Cauce	One lot	1,053 1 15	2,368 14 11	Antrim.
Leinster	1	615 3 2	254 11 6	Kildare.
	2	559 1 24	305 10 5	ditto.
	3	295 3 11	157 14 5	ditto.
	4	561 3 28	274 14 1	ditto.
Chute	1	33 3 32	14 9 7	Kerry.
	2	16 3 20	15 7 4	ditto.
	3	41 3 3	18 16 4	ditto.
	4	19 1 4	29 8 1	ditto.
	5	House and 0 0 9	7 1 6	Tralee.
	6	House and 0 0 10	7 1 7	ditto.
	7	House and 0 0 17	16 12 4	ditto.
	8	0 1 27	0 6 2	ditto.
	9	0 3 1	11 15 5	ditto.
Morton	1	548 2 20	216 5 11	Roscommon.
	2	237 0 3	110 2 11	ditto.
	3	83 1 17	57 15 9	ditto.
	4	225 1 19	116 1 –	ditto.
	5	Houses and 1 2 32	45 10 1	ditto.
Trustees, Bastable	One lot	480 2 9	275 14 7	Tipperary.
Gray and others	One lot	66 0 10	23 4 8	Roscommon.
Fitzpatrick	1	Houses	24 7 10	Waterford.
	2	Houses	35 – –	ditto.
	3	97 0 35	42 15 5	Kilkenny.
Smyth	1	607 2 23	110 15 5	Clare.
	2	136 0 0	61 1 9	Limerick.
	3	House	9 6 9	Dublin.
	4	175 0 15	126 14 9	Limerick.
	5	48 2 15	48 7 2	ditto.
	6	24 1 6	28 3 8	ditto.
	7	13 3 2	5 19 10	ditto.
	8	37 0 7	15 6 4	ditto.
King	One lot	73 1 19	205 15 –	Dublin.
Potts	One lot	141 1 3	119 2 7	Tipperary.
Doake	1	House	39 10 –	Dublin.
	2	House	39 10 –	ditto.
	3	House	38 – –	ditto.
	4	House	38 – –	ditto.
	5	Houses	51 – –	ditto.
	6	Houses	46 10 –	ditto.
	7	Houses	50 10 –	ditto.
	8	Houses	44 – –	ditto.
	9	Houses	44 10 –	ditto.
	10	Houses	44 10 –	ditto.
Dillon	1	329 1 27	225 11 9	Roscommon.
	2	34 2 35	32 18 –	ditto.
	3	341 0 10	109 3 8	ditto.
	4	1,305 3 2	303 15 11	ditto.
	5	101 3 34	96 1 9	ditto.
	6	334 3 1	140 15 –	ditto.
	7	1,573 1 26	312 13 11	ditto.
Woodroofe	One lot	House	26 – –	Dublin.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Newell and others - -	1	669 0 21	366 16 9	Leitrim.
	2	618 2 11	285 10 9	ditto.
	3	111 0 31	28 12 3	ditto.
	4	384 0 19	169 14 5	ditto.
	5	637 0 0	329 8 1	ditto.
	6	164 2 25	69 14 1	ditto.
	7	404 0 13	149 3 5	ditto.
	8	125 1 29	16 12 4	ditto.
	9	302 2 36	9 4 7	ditto.
	10	351 0 38	4 12 4	ditto.
	11	191 1 27	53 14 10	ditto.
	12	493 0 17	123 19 7	ditto.
	13	583 2 27	177 10 –	ditto.
Sexton - - - -	1	House - -	30 – –	Dublin.
	2	House - -	30 – –	ditto.
	3	House - -	21 – –	ditto.
	4	House - -	19 – –	ditto.
Startstonge - - -	1	Houses - -	107 16 2	Dublin.
	2	Houses - -	115 16 2	ditto.
FitzGerald - - -	1	487 1 28	513 – –	Kildare.
	2	229 1 22	81 15 –	ditto.
	3	301 0 12	181 – –	ditto.
	4	71 1 26	79 7 6	ditto.
	5	314 1 36	170 – –	ditto.
	6	House - -	14 10 –	ditto.
Gildea - - - -	1	512 0 19	39 6 9	Galway.
	2	450 3 6	30 4 10	ditto.
	3	1,648 2 23	38 9 1	ditto.
	4	757 1 35	36 1 2	ditto.
	5	5,484 2 34	554 9 –	Mayo.
	6	448 0 2	87 – 6	ditto.
	7	637 3 0	154 19 3	ditto.
	8	491 3 15	171 10 7	ditto.
	9	172 0 32	72 18 9	ditto.
Gildea - - - -	One lot -	5 0 28	Annual value not given.	Mayo.
Collis and another - -	One lot -	9 0 20	99 5 8	Galway.
Woodroofe - - -	One lot -	2,919 3 2	134 5 –	Wicklow.
Assignees, Sheehan - -	One lot -	166 2 35	Annual value not stated.	Clare.
Upton - - - -	1	145 1 30	89 8 7	Limerick.
	2	149 2 1	106 7 –	ditto.
	3	120 2 37	68 7 1	ditto.
	4	320 0 20	228 17 –	ditto.
Bingham - - - -	One lot -	82 0 2	14 3 10	Mayo.
Dumoulin and others -	One lot -	Houses - -	50 8 3	Dublin.
Chamney - - -	One lot	House, &c. 0 3 34	54 – –	ditto.
Assignees, Conner - -	One lot -	186 2 29	58 7 8	Cork.
Tatlow - - - -	1	152 2 13	Annual value not given; head-rent exceeds Ordnance valuation.	Dublin.
	2	61 3 25	Head-rent exceeds Ordnance valuation; annual value not given.	ditto.
Executor, Boomer - -	One lot -	8 2 34	70 – –	Antrim.
Jones - - - -	One lot -	House - -	47 13 10	Dublin.
Trustee, Morrison - -	1	House - -	120 10 –	Dublin.
	2	House - -	63 1 6	ditto.
	3	House - -	31 10 –	ditto.
	4	Houses - -	24 3 4	ditto.
	5	Houses - -	46 3 –	ditto.
	6	Houses - -	97 4 11	ditto.
	7	Houses - -	51 8 1	ditto.
	8	Houses - -	39 13 1	ditto.
	9	Houses - -	30 9 7	ditto.
	10	Houses - -	62 3 1	ditto.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Assignees, Doyle	1	House	89 5 –	Dublin.
	2	Houses	45 10 –	ditto.
	3	Houses	52 – –	ditto.
	4	Houses	95 – –	ditto.
Doherty	One lot	35 0 39	35 – –	Donegal.
White	1	176 1 7	145 – –	Wexford.
	2	217 1 12	129 9 9	ditto.
Molyneux and others	1	Houses and 9 0 34	65 18 1	Dublin.
	2	Houses and 6 3 30	24 1 11	ditto.
Cogan	One lot	130 0 38	80 5 –	Sligo.
Plunkett	1	82 2 7	12 9 9	Wicklow.
	2	3 3 2	5 16 10	ditto.
	3	62 1 3	67 11 3	ditto.
Von Uster	1	3 3 10	Head rent exceeds annual value	Wicklow.
	2	Houses and gardens.		
Gore	One lot	560 0 26	289 – 2	Leitrim.
Assignees, Neville	One lot	46 1 28	38 3 2	Tyrone.
Gaynor	One lot	411 1 20	91 5 –	Tipperary.
Spaight	1	House and 4 1 15	40 3 5	Clare.
	2	Houses	72 8 –	ditto.
	3	Houses	110 1 6	ditto.
North	1	Houses	125 13 4	Louth.
	2	House	5 13 10	ditto.
Bennie	1	98 1 24	73 – –	Monaghan.
	2	485 1 33	500 – –	ditto.
Delany	1	201 2 9	49 18 1	Queen's County.
	2	108 3 14	59 8 4	ditto.
Treacy and another	One lot	298 0 31	41 13 10	Queen's County.
King	1	Houses and 3 1 26	4 – –	Galway.
	2	Houses and 0 0 12	15 15 8	ditto.
Browne	1	320 1 25	440 12 5	Mayo.
	2	109 0 30	29 19 2	ditto.
	3	278 1 23	89 17 2	ditto.
	4	283 3 13	293 18 –	ditto.
Assignees, Riordan	One lot	Houses	24 – –	Cork.
Sadleir and others	One lot	317 2 26	255 9 5	Tipperary.
Franklin and another	One lot	172 0 23	15 7 10	Cork.
Herbert	1	323 2 24	22 3 1	Kerry.
	2	41 3 10	23 8 4	ditto.
Macken	One lot	Houses	7 9 8	Dublin.
M'Loughlin	One lot	Houses	63 – 4	Sligo.
Ward	One lot	23 0 34	31 19 –	Dublin.
Upton	One lot	320 0 20	228 17 –	Limerick.
Smyth	1	36 0 27	100 5 11	Limerick.
	–	47 3 37	83 4 3	ditto.
Graydon	1	561 1 29	201 6 2	Fermanagh.
	2	201 1 27	78 18 11	ditto.
Haig	One lot	357 0 20	206 18 –	Cavan.
Maquay and another	1	House	28 – –	Tipperary.
	2	Houses	116 10 –	ditto.
	3	Houses and 2 0 22	45 15 –	ditto.
Trustees, Ferguson	–	Houses	130 – –	Dublin.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Trustees, Moore - -	1	34 2 5	Annual value not given.	Dublin.
	2	1 0 8	– 5 –	ditto.
	3	4 3 3	Annual value not given.	ditto.
	4	6 2 10	Annual value not given.	ditto.
	5	88 3 7	Annual value not given.	ditto.
	6	20 0 4	17 – –	ditto.
Hamlin - - - -	1	Houses and 0 0 35	2 – –	Meath.
	2	Houses and 0 0 15	56 10 –	ditto.
	3	Houses and 0 0 7	10 – –	ditto.
	4	Houses and 0 0 10	5 – –	ditto.
	5	Houses and 0 0 32	20 6 2	ditto.
	6	Houses and 0 0 16	30 19 9	ditto.
	9	Houses and 0 1 3	30 – –	ditto.
	12	Houses and 0 0 33	16 – –	ditto.
	13	Houses and 0 1 9	9 4 8	ditto.
	14	Houses and 0 0 15	7 – –	ditto.
	15	5 2 34	14 7 4	ditto.
	16	4 0 3	12 – –	ditto.
	16 A	0 0 23	– 12 6	ditto.
	17	Houses and 0 2 16	22 12 9	ditto.
	18	Houses and 0 1 24	16 7 6	ditto.
	19	Houses and 0 2 9	23 2 –	ditto.
	20	Houses and 0 2 39	13 12 2	ditto.
	21	Houses and 0 2 37	8 – –	ditto.
	22	Houses and 0 2 17	12 8 8	ditto.
Leinster - - - -	One lot	2,032 3 25	992 10 5	Kildare.
Trustees, Gregg - -	1	Houses and 0 2 17	31 7 3	Antrim.
	2	Houses and 0 2 24	32 7 6	ditto.
	3	Houses and 0 1 34	32 18 6	ditto.
	4	Houses and 3 3 9	35 15 6	ditto.
	5	Houses and 0 0 33	6 – –	ditto.
	6	Houses and 0 1 30	38 – –	ditto.
	7	House and 5 0 38	109 14 –	ditto.
	8	3 2 18	62 – –	ditto.
	9	5 3 29	89 14 11	ditto.
	10	0 2 1	31 15 –	ditto.
	11	3 3 31	59 1 8	ditto.
	12	6 1 5	21 10 3	ditto.
	13	1 0 28	57 7 6	ditto.
	14	8 2 34	122 18 2	ditto.
	15	12 2 39	160 – –	ditto.
	16	3 2 15	3 – –	ditto.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Newenham - - - -	1	383 0 0	85 3 2	Cork.
	2	793 0 0	531 12 7	ditto.
	3	321 0 0	166 3 1	ditto.
	4	128 3 21	90 1 5	ditto.
	5	Houses - -	64 3 7	ditto.
	6	Houses - -	109 10 11	ditto.
	7	230 2 15	148 7 8	Tipperary.
	8	48 2 19	42 2 2	ditto.
	9	133 0 35	321 19 6	ditto.
	10	190 0 11	244 6 6	ditto.
	11	166 3 19	154 15 9	ditto.
	12	144 1 22	157 18 9	ditto.
	13	110 0 28	129 8 2	ditto.
Hawkesworth - - -	1	House - -	79 1 10	Kilkenny.
	2	Houses - -	34 3 6	Queen's County.
	3	Houses - -	28 15 11	Kilkenny.
Kirwan - - - - -	1	1,110 3 0	1,015 15 6	Galway.
	2	429 2 29	170 6 5	ditto.
	3	268 2 20	116 6 4	ditto.
Kirwan - - - - -	1	222 3 28	124 7 3	Longford.
	2	143 0 7	115 10 2	ditto.
	3	307 3 23	240 8 10	ditto.
	4	697 0 13	70 – 7	ditto.
	5	170 2 24	212 18 10	ditto.
	6	421 0 2	446 8 11	ditto.
	7	283 1 28	176 15 –	ditto.
	8	145 1 37	108 10 8	ditto.
	9	118 2 25	Annual value not given.	ditto.
Kirwan - - - - -	1	242 1 10	103 9 11	Clare.
	2	176 0 39	76 2 5	ditto.
	3	412 3 12	156 3 6	ditto.
	4	259 1 1	149 5 6	ditto.
	5	327 1 24	542 – 6	ditto.
Kidd - - - - -	1	65 3 29	46 16 7	Armagh.
	2	4 3 19	110 – –	ditto.
	3	24 0 38	116 15 3	ditto.
	4	60 2 34	116 3 4	ditto.
	5	62 2 9	75 2 9	ditto.
	6	75 2 17	168 2 9	ditto.
Bourne - - - -	One lot -	1,452 0 8	51 14 9	Wicklow.
Assignees, Richard - -	1	36 0 34	85 19 4	Wexford.
	2	15 2 13	16 4 6	ditto.
Palmer - - - -	One lot -	256 3 18	114 13 5	Galway.
Assignees, Long - -	One lot -	House - -	40 – –	Dublin.
Boyle - - - - -	1	Houses - -	65 11 –	Louth.
	2	Houses - -	105 17 5	ditto.
	3	Houses - -	9 – –	ditto.
	4	Houses - -	17 12 3	ditto.
	5	Houses - -	59 5 –	ditto.
	6	Houses - -	20 13 –	ditto.
	7	4 3 40	4 17 8	ditto.
Flynn - - - - -	1	House, &c. -	46 10 –	Kerry.
	2	Houses - -	19 2 –	ditto.
	3	House - -	6 6 –	ditto.
M'Comiskey - - -	1	Houses - -	42 19 –	Down.
	2	Houses and 4 0 0	23 – 7	ditto.
Kelly - - - - -	1	193 3 13	100 9 7	Roscommon.
	2	36 3 13	36 18 7	ditto.
Forster - - - -	One lot -	135 2 0	94 13 6	Cork.
Mooney - - - -	One lot -	House - -	50 – –	Dublin.
Trustees, Atkinson - -	1	117 0 33	157 18 9	Down.
	2	211 1 3	124 5 –	ditto.
	3	511 2 1	92 5 3	ditto.
	4	5 3 4	3 18 –	ditto.
	5	114 1 19	130 6 10	ditto.
	6	89 2 8	32 – 2	ditto.
Trustees, Atkinson - -	1	Houses - -	138 2 8	Antrim.
	2	Houses - -	118 19 6	ditto.
	3	Houses - -	73 12 –	ditto.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Flood - - - -	One lot -	383 2 17	921 1 10	Kildare.
Trustees, Fowler - -	1	House - -	42 – –	Dublin.
	2	House - -	27 13 10	ditto.
	3	House - -	83 16 11	ditto
	4	House - -	27 13 10	ditto.
Gillman - - - -	1	40 0 7	13 5 6	Cork.
	2	Houses - -	19 – –	ditto.
	3	Houses - -	6 9 3	ditto.
Floyd - - - -	1	26 3 28	28 5 3	Clare.
	2	30 2 5	36 5 1	ditto.
Gillespie - - - -	One lot -	3 2 0	11 17 2	Donegal.
Cloran - - - -	1	204 0 34	147 14 2	Galway.
	2	Houses - -	5 – 11	ditto.
Donnelly - - - -	1	44 2 15	70 1 6	Armagh.
	2	Houses and 0 2 9	19 11 7	ditto.
	3	6 0 12	32 13 3	ditto.
	4	19 2 8	0 16 4	ditto.
Jackson - - - -	One lot -	3 2 6	8 – –	Sligo.
	One lot -	12 0 37	7 4 9	ditto.
Persse - - - -	One lot -	398 1 24	104 4 3	Roscommon.
Robinson - - - -	One lot -	42 2 11	59 18 4	Armagh.
McCulloch - - -	1	62 3 19	67 13 10	Antrim.
	2	Average not given.	33 6 8	ditto.
Duke - - - -	One lot -	188 3 15	160 13 10	Leitrim.
Warren - - - -	One lot -	106 3 35	60 8 1	Wexford.
Assignees, Hill - -	One lot -	130 0 25	82 6 8	Antrim.
MacNeilance - - -	One lot	Houses and 1 2 2	25 19 10	Donegal.
Doherty - - - -	1	608 0 38	198 15 2	ditto.
	2	967 0 6	211 16 6	ditto.
	3	785 1 5	259 13 10	ditto.
Doherty - - - -	One lot -	21 2 4	72 2 0	ditto.
Elmere - - - -	1	14 1 25	18 8 3	Louth.
	2	House - -	20 7 8	ditto.
Executor, Kelly - -	One lot -	105 0 27	10 2 1	Kilkenny.
Assignees, Bracken - -	One lot -	313 2 6	270 0 0	Kildare.
Smith - - - -	One lot -	8 0 0	8 14 7	Londonderry.
Gerrard - - - -	One lot -	133 1 36	126 15 0	Meath.
Gillespie - - - -	One lot -	44 2 30	3 19 5	Antrim.
Cashel - - - -	One lot -	302 0 0	416 18 8	Cavan.
Calvert - - - -	1	172 3 32	89 18 2	Roscommon.
	2	440 3 19	280 3 7	Tipperary.
	3	496 1 5	292 6 2	King's County.
McDonagh - - -	1	123 2 10	61 17 0	Antrim.
	2	17 2 13	13 18 8	Down.
	3	22 2 5	22 12 8	ditto.
McKenzil - - -	One lot -	House, &c. -	9 12 –	Dublin.
Henry - - - -	One lot -	Houses - -	33 1 5	ditto.
McIlmoyle and others -	One lot -	49 2 39	23 10 5	Antrim.
Buchanan - - -	One lot -	61 1 10	23 7 7	Donegal.
Hovenden - - -	One lot -	82 3 35	Annual value not given.	Queen's County.
Barnewall - - -	One lot -	427 2 20	566 11 9	Meath.
Powell - - - -	1	House - -	41 10 9	Dublin.
	2	House - -	70 4 4	ditto.
Cullen - - - -	One lot -	388 0 10	280 2 9	Leitrim.
Stephenson and others -	1	161 3 19	59 8 2	Limerick.
	2	13 1 24	6 9 2	ditto.
	3	53 3 27	13 14 0	ditto.
	4	318 2 32	83 2 1	ditto.
De Blaquiere - - -	1	278 3 17	295 12 11	Westmeath.
	2	61 2 37	60 3 6	ditto.
	3	45 1 2	27 3 2	ditto.
	4	70 0 1	61 8 1	ditto.
	5	113 2 33	83 6 1	ditto.
	6	659 1 15	653 17 11	ditto.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Butler	1	39 1 19	16 17 5	Kildare.
	2	House and 0 0 15	17 19 7	ditto.
	3	Houses	21 9 4	ditto.
Gillman	1	440 3 35	109 9 3	Kildare.
	2	264 1 15	75 1 10	ditto.
Walsh	1	Houses	51 9 9	Dublin.
	2	Houses	36 17 2	ditto.
Fox	1	45 3 33	53 1 –	Kildare.
	2	401 1 37	368 14 8	ditto.
Bennett	1	474 1 10	70 14 2	Kilkenny.
	2	381 2 19	97 9 8	ditto.
	3	344 2 27	89 13 –	ditto.
	4	158 2 34	16 3 1	ditto.
	5	165 0 29	16 3 1	ditto.
	6	6 2 17	24 1 9	Dublin.
Assignee, Symes	1	Houses and 1 2 13	8 14 6	Queen's County.
	2	Houses and 0 2 33	22 2 –	ditto.
	3	10 0 17	24 18 1	ditto.
	4	7 1 18	18 2 6	ditto.
	5	6 0 32	15 5 4	ditto.
	6	Houses and 2 1 21	4 – 5	ditto.
	7	18 1 17	14 16 6	ditto.
	8	44 1 36	20 15 7	ditto.
	9	Houses	140 – –	Dublin.
Bradshaw	1	406 3 24	339 14 5	Down.
	2	35 1 28	24 12 8	ditto.
	3	0 0 14	4 – –	ditto.
	4	9 3 11	13 11 5	ditto.
Assignees, Corbett	One lot	2 1 10	19 – –	Limerick.
Parker	1	174 2 11	34 12 3	Kerry.
	2	417 1 33	160 2 3	ditto.
Sampson	One lot	1,638 1 30	469 11 3	Clare.
Hood	One lot	7 3 27	7 3 11	Antrim.
McGrath	1	House	66 – –	Dublin.
	2	House	8 – –	ditto.
	3	Houses	10 – –	ditto.
Girdwood	One lot	11 1 8	Annual value not given.	Antrim.
Parkinson	One lot	House	50 – –	Dublin.
Coates and another	1	Houses	82 12 6	Cork.
	2	Houses	25 9 3	ditto.
French	One lot	6 0 0	23 13 9	Mayo.
Edge	One lot	House	59 17 6	Dublin.
Irving	1	1 3 8	27 13 10	Kildare.
	2	21 2 1	36 8 7	ditto.
	3	26 0 12	38 14 2	ditto.
	4	53 2 23	17 6 10	ditto.
	5	3 2 0	21 – –	Dublin.
Trustees, Alexander	1	291 1 22	345 7 –	Kilkenny.
	2	32 1 34	200 2 10	ditto.
Weldon	One lot	146 1 9	48 4 10	Clare.
Assignees, Simms	One lot	House and 1 3 25	35 – –	Cork.
Clery	One lot	122 1 15	200 8 8	ditto.
Williamson and another	1	House	51 15 8	Dublin.
	2	House	46 15 8	ditto.
	3	House	48 15 8	ditto.
	4	House	46 15 8	ditto.
	5	House	46 15 8	ditto.
	6	House	56 15 8	ditto.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
McKee and others	1	9 3 29	14 3 4	Down.
	2	14 2 25	22 17 4	ditto.
Executor, Huggins	One lot	51 2 36	45 12 2	Armagh.
Ireland	One lot	Houses	198 7 2	Galway.
Conlan and others	One lot	145 3 15	101 9 10	Sligo
Moran	One lot	101 0 3	Annual value not given.	Leitrim.
Kidd	1	204 0 38	116 15 3	Armagh.
	2	60 2 34	116 3 4	ditto.
	3	62 2 9	219 12 8	ditto.
		62 2 9	146 3 7	ditto.
	4	13 0 8	23 11 11	ditto.
Assignees, Lyons	One lot	House and 2 2 34	65 – –	Dublin.
McDermott	One lot	72 0 0	33 6 4	Donegal.
Buchanan	1	47 0 0	97 19 9	Tyrone.
	2	10 0 0	25 – –	ditto.
Armstrong	1	123 3 24	44 16 5	Cork.
	2	505 3 10	111 14 –	ditto.
Richardson	One lot	2,526 0 17	966 11 –	Tyrone.
O'Donnell and others	One lot	Houses	55 19 –	Tipperary.
Assignees, O'Connell	1	Houses	14 10 3	Kerry.
	2	House	2 14 5	ditto.
	3	House	19 – –	ditto.
Wren	1	170 1 39	22 11 1	Cork.
	2	48 2 20	24 4 3	ditto.
	3	86 2 5	9 15 5	ditto.
	4	50 0 4	16 8 1	ditto.
Egan	1	House	50 – –	Dublin.
	2	House	5 – –	ditto.
	3	House	80 – –	ditto.
	4	House	33 2 6	ditto.
	5	House	90 – –	ditto.
	6	House	92 10 –	ditto.
	7	Houses and 1 1 0	30 – –	ditto.
	8	House	44 5 6	ditto.
	9	House	55 – –	ditto.
	10	House	54 19 –	ditto.
	11	Houses	19 13 –	ditto.
	12	House and 2 0 37	3 – –	ditto.
	13	House and 1 0 12	36 – –	ditto.
	14	House and 2 0 26	14 – –	ditto.
McCormick	One lot	228 3 38	102 12 2	Galway.
Leslie	One lot	762 1 11	296 8 2	Longford.
Falkiner	One lot	215 0 11	66 15 6	Kildare.
Trustees, Bourke	1	101 2 20	80 16 6	ditto.
	2	No acreage given	282 2 6	ditto.
Betty	One lot	31 0 22	19 – –	Fermanagh.
Burke	One lot	119 1 34	50 1 8	Galway.
Redmond and others	1	House and 1 0 0	28 10 –	Dublin.
	2	House	52 14 6	ditto.
Dickson and another	One lot	206 2 25	413 3 10	Down.
Assignees, Brady	1	Houses	92 5 8	Dublin.
	2	Houses	103 – –	ditto.
	3	Houses	30 18 –	ditto.
Hutchins	One lot	337 3 10	91 2 6	Mayo.
Prendergast	One lot	165 1 33	115 – –	Kilkenny.
Callanan	One lot	Houses	35 10 8	Cork.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Dixon	1	Houses	47 7 6	Dublin.
	2	Houses	206 8 –	ditto.
	3	Houses	17 15 5	ditto.
	4	House	25 – –	ditto.
	5	House	10 – –	ditto.
	6	Houses	26 12 4	ditto.
	7	Houses	101 3 2	ditto.
	8	12 1 13	38 1 8	ditto.
	9	23 0 34	46 5 4	ditto.
	10	26 1 30	76 18 7	ditto.
	11	3 0 14	85 – –	ditto.
	12	10 0 0	55 – 4	ditto.
	13	House	49 15 –	ditto.
	14	House	20 – –	ditto.
Barker	1	65 2 38	68 1 3	Carlow.
	2	67 0 8	16 1 5	ditto.
McNamara	One lot	13 2 38	37 6 10	Limerick.
Cassan	One lot	312 0 25	167 11 5	Queen's County.
Dustan and another	One lot	913 1 11	84 5 5	Galway.
Carey	One lot	322 2 15	213 18 7	Kildare.
Swanton	1	Houses	39 6 6	Cork.
	2	Houses	52 4 11	ditto.
	3	Houses	17 5 11	ditto.
Hawkshaw	One lot	116 3 12	68 7 2	King's County.
Boyle	1	Houses and 0 1 29	90 – –	Dublin.
	2	House and 0 0 38	90 – –	ditto.
	3	House and 0 2 30	95 – –	ditto.
Lockwood and others	1	Houses	85 2 4	Tipperary.
	2	Houses	94 1 7	ditto.
Hayes	One lot	240 0 0	160 7 7	Tipperary.
Belmore	1	81 2 21	76 6 4	Fermanagh.
	2	248 3 30	96 11 4	ditto.
	3	303 3 29	82 – –	ditto.
	4	385 1 16	142 18 6	ditto.
Bradshaw and others	One lot	House, &c.	Annual value not given.	Dublin.
Tottenham	16	140 3 14	62 13 1	Tyrone.
	17	145 2 17	86 17 10	ditto.
	18	0 0 24	– 18 6	ditto.
	19	3 2 28	20 7 5	ditto.
	20	0 2 15	58 – –	ditto.
	21	0 1 23	40 1 –	ditto.
	22	0 0 38	60 – –	ditto.
	23	121 1 0	194 – 11	ditto.
	24	11 3 25	53 9 2	ditto.
	25	0 3 19	3 19 5	Fermanagh.
	25 A.	20 1 3	8 11 2	ditto.
	27	38 3 32	46 8 8	ditto.
	28	16 3 29	25 10 –	ditto.
	29	185 2 7	151 9 6	ditto.
	30	106 0 37	67 8 4	ditto.
	31	77 3 32	47 5 –	ditto.
	32	204 2 19	116 3 3	ditto.
	33	101 0 0	69 10 1	ditto.
	34	134 0 25	86 13 10	ditto.
	35	78 3 8	60 13 10	ditto.
	36	156 1 3	57 0 3	ditto.
	37	Acreage not given	14 19 –	ditto.
	38	179 2 13	63 16 1	Leitrim.
	39	517 2 1	119 13 6	ditto.
	40	714 3 19	84 11 4	ditto.
	41	478 1 9	195 3 4	ditto.
	42	346 1 19	87 4 6	ditto.
	43	423 1 25	170 12 8	ditto.
	44	982 1 19	233 9 2	ditto.
Murphy	One lot	House	37 – –	Dublin.
Treston	1	322 1 19	122 10 2	Roscommon.
	2	180 2 12	11 3 1	ditto.
	3	178 0 37	127 8 7	Mayo.
	4	202 0 22	163 12 9	ditto.
	5	239 2 28	24 5 4	ditto.
	6	502 0 21	156 8 5	ditto.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Morgan	One lot	58 2 8	45 5 6	Carlow.
Watters	One lot	No acreage given	86 5 –	ditto.
Kelly	One lot	142 2 3	51 17 3	Kerry.
Brien	One lot	House	50 16 6	Dublin.
Higginson	1	25 0 32	29 8 1	Antrim.
	2	124 3 32	64 6 3	ditto.
	3	80 0 19	28 6 4	ditto.
	4	298 0 29	Annual value not given.	ditto.
O'Donoghue	1	1,664 2 37	353 11 2	Cork.
	2	1,017 1 13	272 3 7	Kerry.
	3	98 0 9	59 2 1	ditto.
	4	233 3 22	63 8 7	ditto.
	5	529 0 2	18 4 9	ditto.
	6	2,996 3 16	232 9 5	ditto.
Lea and others	1	Houses	84 – –	Dublin.
	2	Houses	3 – –	ditto.
Drury	1	233 2 18	135 7 8	Waterford.
	2	House and 4 2 11	15 11 3	Cork.
	3	Houses	24 17 9	ditto.
	4	Houses	9 7 2	Tipperary.
Harnett	1	152 0 22	57 12 6	Kerry.
	2	249 3 8	137 – –	ditto.
	3	388 0 19	149 7 –	ditto.
Assignees, Merrifield	One lot	81 1 20	26 11 4	Galway.
Crow and others	One lot	263 0 30	64 17 10	Monaghan.
Duffy	1	69 2 24	58 3 2	Kilkenny.
	2	1,295 3 18	50 1 3	Queen's County.
Hall	1	Houses	82 – –	Dublin.
	2	House	50 – –	ditto.
	3	Houses	94 10 –	ditto.
Tuthill	One lot	Houses	296 14 7	Dublin.
Treston	1	465 2 14	246 – 7	Mayo.
	2	179 2 39	145 14 –	ditto.
	3	329 3 13	271 17 11	ditto.
Eyre	One lot	255 0 12	67 15 –	Galway.
Keays	1	57 1 29	157 18 10	Limerick.
	2	82 0 18	78 13 4	ditto.
O'Neill and others	One lot	30 3 39	19 19 5	Longford.
McDermott	One lot	28 0 18	44 17 11	Galway.
Muskerry and another	1	333 2 28	27 15 7	Limerick.
	2	246 1 8	105 15 –	Cork.
	3	1,739 2 2	201 9 5	ditto.
	4	341 2 11	560 7 11	Limerick.
Sayers	1	93 0 20	9 3 4	Cork.
	2	64 2 30	100 9 2	ditto.
Hickey	1	Houses	40 – –	Louth.
	2	Houses	24 11 3	ditto.
Murray	One lot	Houses	64 – 8	Tipperary.
Brannan	One lot	114 3 9	87 10 –	Queen's County.
Assignees, Keane	1	50 2 27	34 – –	Clare.
	2	Houses	15 13 –	ditto.
	3	147 0 7	92 10 –	ditto.
	4	87 0 19	8 – –	ditto.
	5	House	13 1 6	ditto.
Swan	One lot	Houses	42 – –	Dublin.
Wexford Harbour Embankment Company.	1	926 1 30	681 2 1	Wexford.
	2	656 3 25	460 3 11	ditto.
	3	619 0 24	676 18 2	ditto.
	4	130 2 34	95 7 5	ditto.
	5	1,189 1 36	869 17 1	ditto.
	6	1,087 1 7	744 2 7	ditto.
Dodwell	One lot	216 3 22	118 6 8	Mayo.
Trustee, Kelly	1	40 1 25	35 14 1	Roscommon.
	2	48 0 15	26 3 1	ditto.
Monsarat	1	26 2 7	28 – –	Mayo.
	2	281 0 39	146 16 8	ditto.
Wolseley and others	One lot	441 2 25	283 4 7	Wexford.
Corah	One lot	50 2 29	80 – –	Cork.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Hoops	One lot	Houses and 4 3 19	85 16 8	Tipperary.
Armstrong	1	123 3 24	79 12 4	Cork.
	2	505 3 10	111 14 –	ditto.
Burrowes	1	Houses	58 5 2	Down.
	2	House	3 7 9	ditto.
	3	House and 3 3 2	33 3 2	ditto.
	4	Houses and 8 1 30	16 19 0	ditto.
	5	House and 15 2 25	24 6 3	ditto.
	6	11 0 25	14 16 6	ditto.
	7	16 0 0	21 2 5	ditto.
	8	53 1 20	41 12 6	ditto.
	9	36 0 35	26 4 11	ditto.
	10	61 0 30	164 9 7	ditto.
	11	54 0 35	62 9 9	ditto.
Peill	One lot	Houses	53 – –	Dublin.
Culhane	1	12 2 28	11 19 11	Limerick.
	2	House and 0 0 17	4 8 6	ditto.
	3	House	3 7 8	ditto.
Cowran	One lot	151 0 2	66 0 11	Kildare.
Sadleir	1	Houses and 2 3 34	49 9 10	Tipperary.
	2	Houses and 9 2 26	47 12 2	ditto.
	3	230 3 35	63 14 10	ditto.
Caulfield	One lot	229 3 4	142 10 9	Wexford.
McNevin	1	House	40 – –	Dublin.
	2	House	Annual value not given.	ditto.
	3	House	Annual value not given.	ditto.
Sherridan	One lot	Houses and 9 2 10	162 18 6	Dublin.
Kellett	1	178 1 26	122 4 2	Meath.
	2	134 1 26	135 12 6	ditto.
Croker	1	916 3 39	196 19 6	Cork.
	2	152 2 18	27 9 –	ditto.
	–	319 2 27	275 9 6	ditto.
	–	521 1 35	305 12 4	ditto.
Croskery	1	Houses	260 4 –	Down.
	2	House	20 – –	ditto.
	3	House	16 16 –	ditto.
	4	House	17 – –	ditto.
	5	Houses	20 7 1	ditto.
	6	Houses	9 – 8	ditto.
Johnston	One lot	House	Annual value not given.	Dublin.
Falvey	1	Houses and 0 1 2	14 2 4	Kerry.
	2	Houses	21 15 5	ditto.
	3	House and 0 0 11	14 19 2	ditto.
	4	Houses and 0 0 15	5 13 3	ditto.
	5	Houses and 0 0 16	11 4 –	ditto.
	6	Houses and 0 1 12	11 1 3	ditto.
	7	Houses and 0 0 14	54 – –	ditto.
	8	Houses	40 – –	Cork.
Pennefather	1	107 1 22	58 8 10	Tipperary.
	2	237 1 18	237 5 5	ditto.
Waller	1	99 1 24	80 15 2	Limerick.
	2	45 2 23	40 10 8	ditto.
	3	61 2 34	Annual value not given.	ditto.
	4	128 2 20	96 1 2	ditto.
	5	50 0 18	90 2 8	ditto.
	6	77 2 0	43 1 1	ditto.
	7	4 0 4	1 14 –	ditto.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Kellett - - - -	One lot -	179 2 33	145 16 10	Cavan.
Wilkinson - - -	One lot -	Houses - -	106 9 3	Dublin.
Reville - - - -	One lot -	127 0 8	Annual value not given.	Galway.
Glynn - - - -	1	64 1 2	70 – –	Galway.
	2	Houses - -	27 – –	Mayo.
	3	75 1 20	125 2 10	ditto.
	4	41 0 16	72 2 10	ditto.
	5	54 3 20	89 7 10	ditto.
Vigne - - - -	One lot -	473 0 9	219 10 6	Meath.
Assignees, Murphy - -	1	116 3 38	90 10 –	Kilkenny.
	2	46 0 0	22 7 –	ditto
	3	82 1 0	120 – –	ditto.
Fisher - - - -	1	282 3 1	242 13 11	Waterford.
	2	Houses and 20 2 33	63 9 6	ditto.
	3	House, &c. -	46 9 3	Cork.
	4	House, &c. -	18 14 –	ditto.
Gray - - - -	One lot -	140 3 19	146 6 6	Leitrim.
Pyne - - - -	1	199 0 37	196 14 8	Cork.
	2	166 1 36	118 17 10	ditto.
Cullen - - - -	One lot -	23 2 21	10 7 7	Leitrim.
Hayes - - - -	1	240 0 0	160 7 7	Tipperary.
	2	11 1 30	2 3 7	ditto.
Johnstone - - -	One lot -	225 0 13	141 4 11	Leitrim.
Johnstone - - -	One lot -	295 3 38	90 – 1	ditto.
Bagnall and Others - -	1	349 3 14	109 18 6	Wicklow.
	2	121 1 23	31 5 10	Westmeath.
Fitzpatrick - - -	One lot -	Houses - -	63 8 4	Dublin.
Langan - - - -	One lot -	175 3 22	180 9 2	Meath.
Haire - - - -	One lot -	136 3 3	53 13 9	Fermanagh.
Assignees, M'Garry -	One lot -	4 0 8	92 6 1	Dublin.
Douglas - - - -	1	127 3 30	99 16 –	Sligo.
	2	51 3 9	64 14 –	ditto.
	3	58 1 1	36 4 2	ditto.
	4	145 0 15	117 4 4	ditto.
	5	36 1 33	3 13 10	ditto.
	6	253 3 18	13 16 11	ditto.
	7	20 2 20	45 5 –	ditto.
Browne - - - -	1	231 1 11	251 15 11	Kildare.
	2	228 2 12	142 12 5	ditto.
	3	152 1 17	42 11 1	ditto.
	4	366 0 11	63 2 10	ditto.
	5	House - -	66 9 2	Dublin.
	6	Houses - -	73 17 –	ditto.
	7	House - -	24 – –	ditto.
	8	House - -	21 – –	ditto.
	9	Houses - -	25 – –	ditto.
	10	Houses - -	35 – –	ditto.
	11	Houses - -	30 18 6	ditto.
	12	Houses - -	36 18 6	ditto.
	13	Houses - -	4 12 –	ditto.
	14	House - -	8 – –	ditto.
	15	Houses - -	230 10 –	ditto.
	16	Houses - -	35 – –	ditto.
	17	232 0 24	163 10 2	Kildare.
	18	349 2 35	258 18 11	ditto.
	19	223 2 21	175 11 11	ditto.
	20	324 2 24	211 5 6	ditto.
	21	141 3 26	136 6 2	ditto.
	22	276 3 22	200 2 6	ditto.
	23	325 2 25	200 14 11	ditto.
	24	124 1 12	136 1 8	ditto.
	25	339 1 33	233 – 5	ditto.
	26	354 3 1	252 7 11	ditto.
Fisher - - - -	1	218 2 18	183 4 5	King's County.
	2	22 2 17	40 19 3	Cork.
	3	Houses and 2 – 6	8 12 –	ditto.
	4	282 3 1	242 8 11	Waterford.
Tottenham - - -	1	23 1 6	15 14 6	Kilkenny.
	2	3 0 24	6 – –	ditto.
	3	10 2 38	18 9 3	ditto.
	4	28 2 19	44 – –	ditto.

Estate.	Lot.	Quantity.	Annual Value.	County.
		A. R. P.	£. s. d.	
Tottenham – *continued.*	6	Houses and 0 1 9	1 16 11	Wexford.
	26	1 3 10	4 – –	Fermanagh.
	5	House and 0 3 0	– 18 6	Wexford.
	7	House and 0 1 11	– 19 1	ditto.
	8	House and 0 2 7	1 18 3	ditto.
	9	House and 0 1 11	– 19 1	ditto.
	10	House and 2 – 6	6 13 10	ditto.
	11	House and 1 1 12	13 16 11	ditto.
	12	House and 0 0 28	15 9 3	ditto.
	13	House and 0 3 32	19 – –	ditto.
	14	8 0 17	18 13 7	ditto.
	15	619 0 9	44 12 5	ditto.
Conner - - - -	1	131 2 8	66 13 10	Cork.
	2	130 0 20	87 10 10	ditto.
	3	100 0 35	32 6 2	ditto.
	4	1,281 2 10	60 3 7	ditto.
	5	1,027 0 23	57 12 8	ditto.
	6	895 3 27	60 – –	ditto.
	7	718 1 23	48 – –	ditto.
	8	455 3 28	55 7 8	ditto.
	9	445 1 38	16 12 5	ditto.
	10	257 3 32	22 16 9	ditto.
	11	266 0 19	124 – –	ditto.
	12	194 0 18	20 3 6	ditto.
	13	860 0 6	200 – 1	ditto.
	14	264 3 39	20 4 4	ditto.
	15	224 1 13	27 12 11	ditto.
	16	1,220 3 34	191 8 5	ditto.
	17	593 3 4	229 3 2	ditto.
	18	279 1 5	180 9 6	ditto.
	19	817 0 17	467 6 11	ditto.
	20	546 3 39	335 9 3	ditto.
	21	249 1 27	145 15 5	ditto.
	22	579 3 35	402 15 10	ditto.
	23	647 2 26	352 18 –	ditto.
	24	726 2 4	321 1 4	ditto.
	25	102 3 33	57 – 10	ditto.
	26	243 2 39	324 – –	ditto.
Trustees, Hutton - -	One lot -	949 2 23	694 9 2	Meath
Trustees, Folliott - -	1	Houses - -	14 6 3	Meath.
	2	Houses - -	40 – –	Dublin.
	3	Houses - -	42 16 –	ditto.
	4	Houses - -	30 16 –	ditto.
	5	Houses - -	29 1 –	ditto.
	6	House - -	10 10 –	ditto.
	7	Houses, &c. -	264 – 6	ditto.
Bruen - - - -	One lot -	10,491 0 5	1,241 5 11	Wexford, Carlow, and Galway.
Domvile - - -	1	165 2 32	81 19 1	Roscommon.
	2	169 1 4	107 7 2	ditto.
	3	275 3 25	157 16 6	ditto.
	4	153 0 31	82 4 6	ditto.
	5	106 0 28	49 9 –	ditto.
	6	336 0 4	172 9 3	ditto.
	7	360 3 0	143 4 3	ditto.
	8	556 0 1	270 7 9	ditto.
	9	425 3 35	214 5 4	ditto.
	10	328 1 1	168 17 9	ditto.
	11	366 3 29	207 4 6	ditto.
	12	719 3 0	471 11 1	ditto.
	13	365 0 18	176 19 3	ditto.
	14	298 2 3	157 15 10	ditto.
	15	190 2 29	78 18 6	ditto.
	16	89 0 30	26 5 1	ditto.
	17	40 1 34	17 15 –	ditto.
	18	364 2 29	71 9 2	ditto.
	19	121 0 16	83 15 10	ditto.
	20	265 0 8	27 – 2	ditto.
	21	80 1 39	57 16 9	ditto.

Estate.	Lot.	Quantity. A. R. P.	Annual Value. £. s. d.	County.
Dundas and another -	One lot -	985 0 13	303 13 9	Tipperary.
Hastings - - - -	1	241 3 27	120 6 7	Donegal.
	2	356 3 33	181 19 3	ditto.
	3	176 3 1	9 13 10	ditto.
	4	64 3 19	45 15 –	ditto.
	5	90 0 0	55 – –	ditto.
	6	79 0 35	52 3 10	ditto.
	7	78 2 13	53 6 6	ditto.
	8	146 0 1	73 9 –	ditto.
	9	85 0 27	42 5 –	ditto.
	10	185 2 16	107 17 –	ditto.
	11	105 3 37	35 17 –	ditto.
	12	50 2 6	31 12 –	ditto.
	13	373 1 28	8 10 4	ditto.
Aylmer - - - -	1	158 0 20	270 10 11	Kildare.
	2	207 3 31	178 – 4	ditto.
	3	49 3 14	97 10 –	ditto.
Redmond - - -	1	194 0 21	140 13 –	Wexford.
	2	150 2 25	108 15 –	ditto.
	3	332 2 20	240 14 –	ditto.
	4	381 3 37	276 19 –	ditto.
	5	134 0 13	102 16 1	ditto.
Edwards - - - -	1	0 3 8	7 4 4	Wicklow.
	2	1 0 30	13 5 –	ditto.
	3	1 0 20	11 6 3	ditto.
	4	1 0 13	11 5 –	ditto.
	5	1 0 18	10 18 9	ditto.
	6	1 0 13	11 5 –	ditto.
	7	1 0 28	11 15 –	ditto.
	8	1 0 24	10 13 9	ditto.
	9	1 0 39	11 5 –	ditto.
	10	2 1 35	23 12 6	ditto.
	11	1 1 13	12 7 6	ditto.
	12	1 2 28	15 10 6	ditto.
	13	1 1 14	10 16 –	ditto.
	14	1 3 8	14 1 3	ditto.
	15	1 0 25	11 2 9	ditto.
	16	1 2 4	14 6 11	ditto.
	17	1 1 30	14 17 –	ditto.
	18	1 3 36	16 13 –	ditto.
	19	2 0 19	14 4 5	ditto.
	20	2 1 32	18 3 2	ditto.
	21	6 1 8	24 – –	ditto.
	22	0 2 6	5 – –	ditto.
	23	0 3 35	30 – –	ditto.
	24	3 1 25	24 2 1	ditto.
	25	6 2 24	70 – –	ditto.
	26	14 3 25	104 2 6	ditto.
	27	1 0 3	16 – –	ditto.
Ardagh - - - -	1	Houses - -	14 17 9	Waterford.
	2	Houses - -	46 13 4	ditto.
	3	Houses - -	6 – –	ditto.
	4	Houses - -	11 4 8	ditto.
	5	Houses - -	109 17 1	ditto.
	6	House, &c. -	8 4 2	ditto.
	7	10 3 27	10 12 2	ditto.
	8	11 1 37	18 13 –	ditto.
	9	82 1 35	30 5 3	ditto.
	10	49 1 9	53 3 10	Wexford.
	11	Houses - -	43 7 8	ditto.
Dillon - - - -	One lot -	Houses - -	12 12 –	Dublin.
Wybrants - - -	1	164 2 9	39 – 9	Carlow.
	2	82 2 17	31 15 6	ditto.
	3	29 0 23	20 1 4	ditto.
	4	71 2 7	29 11 9	ditto.
	5	78 2 3	55 – –	ditto.

Estate.	Lot.	Quantity. A. R. P.	Annual Value. £. s. d.	County.
Wheatley	1	Houses	6 6 –	Cork.
	2	Houses	74 13 3	ditto.
	3	146 – 34	81 12 –	ditto.
	4	248 1 14	168 17 3	ditto.
	5	367 2 6	340 11 9	ditto.
	6	341 3 23	104 18 10	ditto.
	7	518 1 8	185 – 8	ditto.
	8	113 0 13	97 11 –	ditto.
	9	154 1 38	190 17 6	ditto.
	10	151 0 [illegible]	134 10 4	ditto.
	11	151 0 27	96 14 7	ditto.
Blair	1	68 0 0	82 19 9	ditto.
	2	563 0 37	120 9 8	ditto.
	3	512 1 21	132 10 –	ditto.
Kelly	One lot	270 3 7	98 19 1	Galway.
Nixon	One lot	19 0 18	14 11 8	Fermanagh.
Trustees, Moore	1	54 0 37	28 16 8	Cork.
	2	Houses and 8 3 20	33 18 –	Kilkenny.
Mackie	One lot	29 2 7	190 – –	Dublin.
Barton	1	91 3 32	72 17 11	Tipperary.
	2	170 2 22	122 10 5	ditto.
Clancy	1	112 3 12	296 2 11	Dublin.
	2	528 2 16	478 16 4	Meath.
O'Connor	One lot	Houses and 8 2 9	21 15 5	Dublin.
Godley	1	236 1 1	263 6 2	Meath.
	2	355 0 38	281 14 2	ditto.
	3	476 1 31	301 13 10	ditto.
Carnegie	1	House and 1 2 27	180 – –	Cork.
	2	Houses	72 9 4	ditto.
	3	Houses	64 – –	ditto.
	4	Houses	83 5 9	ditto.
Chermside	One lot	137 1 20	54 11 1	Armagh.
McDonogh	1	House, &c.	41 – –	Dublin.
	2	House, &c.	41 – –	ditto.
Molyneaux	1	52 1 0	103 3 –	Antrim.
	2	32 1 0	80 – –	ditto.
Dillon	One lot	1,225 0 18	499 3 8	Roscommon.
Fayle	1	171 1 8	26 – 10	Westmeath.
	2	179 2 3	127 19 2	ditto.
Irwin	One lot	1,160 0 0	52 19 –	Mayo.
Craig	One lot	25 1 19	39 4 9	Antrim.
Moylan	1	House	32 15 5	Dublin.
	2	House	23 7 8	ditto.
	3	House	40 – 8	ditto.
D'Andre	1	Houses, &c.	45 14 5	ditto.
	2	Houses, &c.	95 – –	ditto.
	3	House, &c.	84 – –	ditto.
	4	House, &c.	60 – –	ditto.
	5	House, &c.	65 – –	ditto.
	6	Houses	39 1 –	ditto.
	7	Houses	21 3 6	ditto.

Landed Estates Court,
12 February 1867.

Henry Carey, Registrar.

With reference to that portion of the Order of the House of Commons which directs a Return of the "Number of Petitions for Sale presented to the Court during the four years ending the 31st December 1866, specifying the quantity of land and net annual rental referred to in each petition," it is to be observed that the petitions filed by incumbrancers do not in a great many instances set forth the quantity of land sought to be sold, the petitioners being for the most part ignorant of the particulars of the estates; but the Returns annually furnished to the Home Office set forth, amongst other particulars, the net annual rental of each estate, so far as the same is stated. These Returns have been made up to the 1st November last, pursuant to the Act 21 & 22 Vict. c. 72, s. 25.

Henry Carey, Registrar.

LANDED ESTATES COURT (IRELAND).

RETURN of the Net Annual Value of each Lot set up for Sale in the Landed Estates Court, Ireland, during the Years 1865 and 1866; specifying the Quantity of Land in each Lot, and the Counties in which the Lands are situated; &c.

(*Lord Naas.*)

Ordered, by The House of Commons, *to be Printed*,
1 *March* 1867.

Under 4 *oz.*

TABLES

OF THE NUMBER OF

MARRIAGES, BIRTHS, AND DEATHS

REGISTERED IN

IRELAND

IN THE YEAR

1866.

Presented to both Houses of Parliament by Command of Her Majesty.

DUBLIN:
PRINTED BY ALEXANDER THOM, 87 & 88, ABBEY-STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1867.

[*Price 2d.*]
3860

TO HIS EXCELLENCY JAMES, MARQUIS OF ABERCORN, K.G.

LORD LIEUTENANT-GENERAL AND GENERAL GOVERNOR OF IRELAND,
&c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,

I have the honor to transmit, in order that the same may be laid before Parliament, a General Abstract of the number of Births, Deaths, and Marriages *registered* in Ireland during the year 1866; as required by the 26 Vic., cap. 11, the 26 & 27 Vic., cap. 90, and the 7 & 8 Vic., cap. 81.

The first-mentioned Act provides for the Registration of the Births and Deaths of the entire population,—the second for the Registration of Roman Catholic Marriages,—and the third for the Registration of the Marriages of members of the Protestant community. The two former statutes came into operation on the 1st of January, 1864; the last-mentioned on the 1st of April, 1845.

The Superintendent Registrars' Districts,—which are co-extensive with the 163 Poor Law Unions,—have been grouped into the following eight Divisions:—

No. I. THE NORTH-EASTERN DIVISION.—This division may be topographically described by a line passing southward from Lough Foyle through the Counties of Londonderry, Tyrone, and Armagh, to Lough Bawn, in the County of Monaghan, and thence eastward to Carlingford Lough; the north and east being on the seaboard.

No. II. THE NORTH-WESTERN DIVISION—is bounded on the east by the division just described, from Lough Foyle to a point a little south of Six Mile Cross, in the County of Tyrone, and may be described by a line drawn thence S.W. through the County of Fermanagh to the south of Enniskillen, embracing that portion of the north-west angle of the County of Cavan belonging to the Enniskillen Union, into the County of Leitrim, crossing Lough Allen, thence into the County of Sligo, to a point situated to the southward of the town of Ballymote, and thence extending north to Ballysadare Bay; the remainder of the division is bounded by the sea. It contains Loughs Erne and Derg, and part of Lough Allen, and large portions of it are mountainous.

No. III. THE EASTERN DIVISION—is situated in the provinces of Leinster and Ulster; it extends along the Irish Sea and St. George's Channel, from Warrenspoint, in Carlingford Lough, to the south of Cahore Point, in the County of Wexford, stretching inland about 25 miles, and embracing the Counties of Louth, Dublin, and Wicklow, and portions of the Counties of Carlow, Cavan, Kildare, Meath, and Wexford; together with small portions of the Counties of Armagh and Monaghan.

No. IV. THE NORTH MIDLAND DIVISION—is situated in the provinces of Leinster, Ulster, and Connaught, and extends southward from its junction with the "North-Western" division near Six Mile Cross, in the County of Tyrone, to Tyrrellspass, in the County of Westmeath. Virginia, in the County of Cavan, is situated on its eastern border, and Tulsk, in the County of Roscommon, on its western.

No. V. THE SOUTH MIDLAND DIVISION—situated in the provinces of Leinster and Munster, extends from the Hill of Down, in the County of Meath, southward to Borris, in the County of Carlow. Its southern boundary may be described by a line drawn thence to New Birmingham, in the County of Tipperary, and from that point south to Fethard, in the same County, thence westward to the northern base of the Galty mountains, and in a north-westerly direction, to Pallasgreen, in the County of Limerick. On the east it is bounded by the "Eastern" division, and on the west by the "Western" and the "South-Western" divisions.

No. VI. THE WESTERN DIVISION.—This Division extends southward from Sligo and Killala Bays to the northern bank of the River Shannon, lying westward of Limerick; the extreme points, north and south, being Benwee Head, in the County of Mayo, and Loop Head, in the County of Clare, a distance in or about 120 miles, which, however, does not represent the extent of seaboard, the western coast being indented by numerous bays and inlets. This division has been extended much more inland than the eastern division, as from its exposure to the Atlantic Ocean, and the prevalence of westerly winds (which blow for nearly three-fourths of the year), the climate must be affected for a considerable distance inland; the Unions situated on the extreme east are Boyle, Castlereagh, Glennamaddy, Mountbellew, Ballinasloe, and Portumna.

No. VII. THE SOUTH-EASTERN DIVISION.—This division extends from its junction with the "Eastern" division, southward of Cahore Point, in the County of Wexford, along the eastern and southern coasts to the east of Cork Harbour, and is bounded on the north by the "South Midland" division. It embraces the County of Waterford; nearly the whole of the County of Wexford; parts of the Counties of Carlow, Kilkenny, and Tipperary; that portion of the County of Limerick (38,550 acres) comprised in the Mitchelstown Union, and a portion of the eastern side of Cork County.

No. VIII. THE SOUTH-WESTERN DIVISION—extends along the southern and western coasts from Cork Harbour to the River Shannon, and embraces the County of Kerry, nearly the whole of the Counties of Cork and Limerick, and a small portion of the County of Clare, comprised in the Limerick Union.

The total number of Births given in the following Tables represents a ratio, for the year 1866, of only 1 in every 39·65, or 2·52 per cent. of the population;* and the Deaths afford a ratio of only 1 in every 61·96, or 1·61 per cent. The *entire* number of Marriages *registered* gives a ratio of 1 in every 192, or ·52 per cent. of the population*—the number of Roman Catholic marriages (26 and 27 Vic., cap. 90) affording a ratio of only one marriage to every 212 of Roman Catholics;*—and the number of Protestant marriages (7 and 8 Vic., cap. 81), a ratio of one in every 144 of Protestants.* The final revision of the Numbers for the year 1866 has not yet been completed; they will, therefore, probably be found to differ, in some instances, from the revised Numbers in the detailed Abstracts to be hereafter presented to Parliament with my Third Annual Report.

I have the honor to be

Your Excellency's very faithful servant,

WILLIAM DONNELLY,
Registrar-General.

GENERAL REGISTER OFFICE,
Henrietta-street, Dublin, May 1, 1867.

* According to the Census in 1861.

MARRIAGES, BIRTHS, and DEATHS *registered* during the year **1866**, by Superintendent

DIVISIONS AND SUPERINTENDENT REGISTRARS' DISTRICTS.	POPULATION IN 1861.	MARRIAGES.		BIRTHS.	DEATHS.	BIRTHS.		DEATHS.	
		Number.	Persons Married.			Males.	Females.	Males.	Females.
Ireland,	**5,798,967***	**30,151**	**60,302**	**146,237**	**93,598**	**75,210**	**71,027**	**46,474**	**47,124**
DIVISIONS.									
I. North-Eastern,	**1,124,041**	**7,132**	**14,264**	**32,318**	**20,164**	**16,414**	**15,904**	**9,845**	**10,319**
II. North-Western,	**574,745**	**2,600**	**5,200**	**13,014**	**7,488**	**6,751**	**6,263**	**3,678**	**3,810**
III. Eastern,	**829,569**	**4,886**	**9,772**	**20,514**	**18,150**	**10,532**	**9,982**	**9,036**	**9,114**
IV. North Midland,	**575,289**	**2,174**	**4,348**	**13,163**	**7,763**	**6,765**	**6,398**	**3,978**	**3,785**
V. South Midland,	**515,272**	**2,059**	**4,118**	**10,650**	**7,953**	**5,563**	**5,087**	**3,971**	**3,982**
VI. Western,	**822,878**	**3,899**	**7,798**	**20,925**	**9,854**	**10,941**	**9,984**	**5,024**	**4,830**
VII. South-Eastern,	**500,957**	**2,508**	**5,016**	**12,032**	**9,177**	**6,110**	**5,922**	**4,477**	**4,700**
VIII. South-Western,	**855,813**	**4,893**	**9,786**	**23,621**	**13,049**	**12,134**	**11,487**	**6,465**	**6,584**
SUPERINTENDENT REGISTRARS' DISTRICTS.									
I. North-Eastern Division. Antrim,	39,652	163	326	1,057	617	523	534	279	338
Armagh,	80,810	423	846	2,076	1,436	1,034	1,042	684	752
Ballycastle,	19,653	93	186	413	307	205	208	148	159
Ballymena,	74,597	414	828	2,191	1,011	1,107	1,084	497	514
Ballymoney,	41,583	201	402	993	553	509	484	274	279
Banbridge,	71,918	420	840	1,927	1,109	1,004	923	557	552
Belfast,	144,629	1,497	2,994	6,114	4,360	3,130	2,984	2,152	2,208
Castleblayney,	41,812	266	532	1,179	699	601	578	336	363
Coleraine,	40,562	222	444	1,026	725	515	511	360	365
Cookstown,	37,953	214	428	965	550	467	498	243	307
Downpatrick,	57,969	344	688	1,426	1,036	712	714	499	537
Dungannon,	51,892	291	582	1,280	777	627	653	395	382
Kilkeel,	22,614	98	196	590	356	291	299	174	182
Larne,	35,087	236	472	1,062	603	529	533	287	316
Lisburn,	66,882	395	790	1,865	1,232	959	906	633	599
Lurgan,	73,930	551	1,102	2,327	1,183	1,237	1,090	586	597
Magherafelt,	63,852	377	754	1,580	889	807	773	441	448
Newry,	74,311	500	1,000	1,962	1,201	955	1,007	584	617
Newtownards,	53,428	317	634	1,632	1,079	850	782	500	579
Newtownlimavady,	30,907	110	220	653	441	352	301	216	225
Total,	1,124,041	7,132	14,264	32,318	20,164	16,414	15,904	9,845	10,319
II. North-Western Division. Ballyshannon,	32,181	87	174	570	333	292	278	149	184
Castlederg,	17,478	70	140	430	259	234	196	142	117
Donegal,	31,258	118	236	655	388	332	323	196	192
Dunfanaghy,	17,326	95	190	346	123	186	160	58	65
Enniskillen,	49,715	214	428	1,015	580	547	468	298	282
Glenties,	39,899	215	430	860	455	433	427	214	241
Gortin,	16,626	56	112	324	201	188	136	107	94
Inishowen,	37,222	127	254	941	500	502	439	252	248
Irvinestown,	22,728	94	188	537	296	277	260	143	153
Letterkenny,	18,932	66	132	400	192	203	197	100	92
Londonderry,	59,392	312	624	1,458	954	711	747	459	495
Manorhamilton,	33,443	213	426	848	377	447	401	174	203

* Including 403 Seamen and others at Sea on Census night,

Registrars' Districts, which are co-extensive with the Poor Law Unions—163 in number.

MARRIAGES				BIRTHS				DEATHS			
Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of			
March.	June.	September.	December.	March.	June.	September.	December.	March.	June.	September.	December.
12,014	6,045	5,578	6,514	40,088	38,816	33,580	33,753	27,824	24,783	18,751	22,260
1,849	1,651	1,571	2,061	8,430	8,875	7,578	7,435	6,111	5,687	3,960	4,406
1,105	525	383	587	3,739	3,271	3,014	2,990	2,370	2,065	1,472	1,581
1,213	1,220	1,222	1,231	5,424	5,678	4,781	4,631	4,916	4,289	3,691	5,054
893	443	402	436	3,575	3,519	3,054	3,015	2,340	2,111	1,522	1,790
794	397	392	476	2,988	2,853	2,604	2,605	2,297	2,037	1,704	1,915
2,473	565	397	464	5,719	4,871	5,006	5,329	3,090	2,631	1,960	2,373
1,032	463	458	555	3,338	3,388	2,645	2,661	2,671	2,413	1,846	2,247
2,655	731	753	704	6,875	6,361	5,098	5,287	4,029	3,330	2,596	3,094
43	43	34	43	283	285	260	229	195	169	135	118
129	96	98	100	531	594	481	470	403	414	294	325
26	19	30	18	104	121	96	92	90	80	57	80
142	81	94	97	549	600	561	481	347	292	194	178
49	55	43	54	293	265	217	218	179	168	108	98
105	93	118	104	480	549	447	451	348	330	222	209
337	362	347	451	1,608	1,703	1,448	1,355	1,338	1,203	891	928
82	56	51	77	326	277	303	273	193	215	121	170
45	54	54	69	241	284	232	269	205	175	134	211
54	44	37	79	235	301	219	210	177	162	82	129
91	78	84	91	383	386	329	328	292	291	207	246
86	66	54	85	330	345	291	314	232	234	145	166
25	18	18	37	149	171	121	149	87	98	80	91
65	45	45	81	253	298	248	263	180	167	143	113
93	107	90	105	503	512	438	412	348	348	261	275
135	132	114	170	607	642	539	539	390	326	210	257
103	89	72	113	430	433	340	377	306	248	141	194
132	103	107	158	525	513	488	435	320	355	233	293
80	71	63	103	406	432	386	408	339	301	209	230
27	39	18	26	194	164	134	161	142	111	93	95
1,849	1,651	1,571	2,061	8,430	8,875	7,578	7,435	6,111	5,687	3,960	4,406
33	7	18	29	154	145	145	126	110	91	57	75
31	12	6	21	113	104	101	112	67	80	52	60
66	20	10	22	156	198	127	174	127	104	83	74
78	2	9	6	124	64	51	107	53	27	18	25
63	60	34	57	309	250	210	246	184	154	119	123
157	13	21	24	314	191	160	195	169	126	62	98
18	11	11	16	97	76	74	77	55	66	37	43
64	16	6	41	275	213	227	226	169	133	106	92
37	20	19	18	131	162	127	117	84	80	67	65
22	20	8	16	104	99	97	100	47	54	47	44
81	95	58	78	414	362	351	331	272	259	206	217
104	37	26	46	250	196	212	190	114	100	68	95

not included in the Returns from any particular locality.

MARRIAGES, BIRTHS, and DEATHS *registered* during the year **1866**, by Superintendent

DIVISIONS AND SUPERINTENDENT REGISTRARS' DISTRICTS.	POPULATION IN 1861.	MARRIAGES.		BIRTHS.	DEATHS.	BIRTHS.		DEATHS.	
		Number.	Persons Married.			Males.	Females.	Males.	Females.
SUPERINTENDENT REGISTRARS' DISTRICTS.									
III. North-Western Division—*continued.*									
Millford,	28,226	117	234	673	379	358	315	195	184
Omagh,	52,836	204	408	1,157	692	588	569	352	340
Sligo,	53,901	293	586	1,320	766	684	636	376	390
Strabane,	43,604	208	416	1,023	714	519	504	321	393
Stranorlar,	19,978	111	222	457	279	250	207	142	137
Total,	574,745	2,600	5,200	13,014	7,488	6,751	6,263	3,678	3,810
II. Eastern Division.									
Ardee,	25,284	111	222	528	413	266	262	206	207
Bailieborough,	23,079	76	152	622	415	310	312	198	217
Balrothery,	22,016	127	254	533	451	261	272	213	238
Baltinglass,	22,032	99	198	536	310	272	264	164	146
Carrickmacross,	22,354	55	110	533	290	263	270	142	148
Celbridge,	19,580	83	166	453	420	227	226	226	194
Drogheda,	39,821	156	312	938	726	480	458	384	342
Dublin, North,	134,755	1,099	2,198	3,944	3,727	2,113	1,831	1,811	1,916
„ South,	201,963	1,659	3,318	5,165	5,646	2,601	2,564	2,774	2,872
Dundalk,	46,850	222	444	1,199	791	612	587	370	421
Dunshaughlin,	14,109	47	94	252	241	132	120	123	118
Gorey,	24,857	102	204	577	371	277	300	195	176
Kells,	24,482	25	50	535	364	272	263	178	186
Naas,	47,598	197	394	1,002	762	536	466	404	358
Navan,	21,988	62	124	458	326	247	211	168	158
Rathdown,	53,298	348	696	1,281	1,308	673	608	648	660
Rathdrum,	43,402	218	436	1,025	911	535	490	498	413
Shillelagh,	19,183	120	240	480	298	239	241	148	150
Trim,	22,918	80	160	453	380	216	237	186	194
Total,	829,569	4,886	9,772	20,514	18,150	10,532	9,982	9,036	9,114
IV. North Midland Division.									
Athlone,	39,323	170	340	891	505	457	434	268	237
Ballymahon,	22,089	101	202	496	291	249	247	152	139
Bawnboy,	26,808	130	260	689	297	358	331	146	151
Carrick-on-Shannon,	31,677	123	246	766	339	380	386	189	150
Cavan,	58,662	241	482	1,447	859	732	715	431	428
Clogher,	27,753	113	226	626	393	323	303	184	209
Clones,	26,699	111	222	517	305	284	233	149	156
Cootehill,	38,961	141	282	885	582	433	452	293	289
Delvin,	13,561	31	62	268	180	149	119	101	79
Granard,	36,043	120	240	802	470	422	380	247	223
Lisnaskea,	25,832	117	234	597	321	321	276	163	158
Longford,	32,757	123	246	683	425	339	344	234	191
Mohill,	30,191	106	212	755	410	373	382	202	208
Monaghan,	45,674	142	284	1,025	681	544	481	324	357
Mullingar,	42,703	106	212	886	760	445	441	398	362
Oldcastle,	23,657	72	144	575	320	289	286	162	158
Roscommon,	26,504	122	244	639	369	342	297	195	174
Strokestown,	26,395	105	210	616	256	325	291	140	116
Total,	575,289	2,174	4,348	13,163	7,763	6,765	6,398	3,978	3,785

Registrars' Districts, which are co-extensive with the Poor Law Unions ;—*continued.*

MARRIAGES				BIRTHS				DEATHS			
Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of			
March.	June.	September.	December.	March.	June.	September.	December.	March.	June.	September.	December.
61	30	11	15	194	167	179	133	140	92	82	65
62	38	43	61	327	309	254	267	215	208	134	135
132	63	48	50	368	336	347	269	260	207	139	160
47	62	37	62	290	281	241	211	204	198	154	158
49	19	18	25	119	118	111	109	100	86	41	52
1,105	525	338	587	3,739	3,271	3,014	2,990	2,370	2,065	1,472	1,581
27	35	24	25	149	149	108	122	129	111	87	86
32	7	13	24	169	170	145	138	121	130	78	86
33	45	26	23	139	148	126	120	91	115	93	152
29	27	15	28	147	149	107	133	84	102	65	59
23	10	10	12	140	143	124	126	98	79	60	53
17	21	21	24	134	130	102	87	96	113	65	146
51	37	30	38	252	264	225	197	237	195	141	153
224	276	287	312	1,027	1,016	925	976	1,044	867	779	1,037
395	403	450	411	1,312	1,454	1,235	1,164	1,390	1,355	1,250	1,651
77	61	37	47	317	325	267	290	244	208	140	199
9	13	11	14	78	68	57	49	67	71	48	55
31	21	22	28	149	167	125	136	120	117	65	69
6	8	6	5	134	146	130	125	127	95	58	84
38	61	62	36	281	304	240	177	212	205	161	184
23	13	13	13	116	119	119	104	108	90	60	68
88	88	98	74	358	343	297	283	307	257	219	525
61	43	56	58	277	293	247	208	254	208	174	275
33	26	24	37	130	155	93	102	78	67	69	84
16	25	17	22	115	135	109	94	109	104	79	88
1,213	1,120	1,222	1,231	5,424	5,678	4,781	4,631	4,916	4,489	3,691	5,054
77	33	39	21	251	238	189	213	158	143	111	93
31	16	30	24	147	150	106	93	91	90	60	50
45	31	23	31	181	181	153	174	92	91	62	52
65	22	14	22	214	195	181	176	118	85	65	71
83	53	52	53	388	390	354	315	234	235	170	220
32	22	26	33	169	157	166	134	129	99	86	79
33	32	17	29	142	145	114	116	89	75	60	81
49	28	23	41	244	219	211	211	175	167	105	135
9	8	9	5	57	77	74	60	60	47	33	40
44	29	18	29	224	226	195	157	134	143	96	97
40	26	21	30	165	157	127	148	91	78	73	79
55	24	25	19	179	186	153	165	105	101	89	130
52	20	13	21	220	189	182	164	127	110	82	91
67	27	28	20	265	268	246	236	179	197	133	172
38	22	26	20	257	272	177	209	239	203	135	183
26	18	17	11	154	150	126	145	115	87	37	81
70	22	13	17	166	158	169	146	125	89	87	68
77	10	8	10	172	161	131	152	79	71	38	68
893	443	402	436	3,575	3,519	3,054	3,015	2,340	2,111	1,522	1,790

MARRIAGES, BIRTHS, and DEATHS *registered* during the year **1866**, by Superintendent

	DIVISIONS AND SUPERINTENDENT REGISTRARS' DISTRICTS.	POPULATION IN 1861.	MARRIAGES. Number.	MARRIAGES. Persons Married.	BIRTHS.	DEATHS.	BIRTHS. Males.	BIRTHS. Females.	DEATHS. Males.	DEATHS. Females.
	SUPERINTENDENT REGISTRARS' DISTRICTS.									
V. South Midland Division.	Abbeyleix,	22,400	73	146	445	320	231	214	156	164
	Athy,	33,210	133	266	708	519	388	320	286	233
	Borrisokane,	13,740	41	82	239	157	128	111	84	73
	Carlow,	51,802	235	470	1,173	942	618	555	437	505
	Cashel,	33,527	154	308	809	628	384	425	320	308
	Castlecomer,	15,937	65	130	371	270	188	183	127	143
	Donaghmore,	9,504	40	80	151	101	84	67	45	56
	Edenderry,	23,384	88	176	451	355	242	209	181	174
	Kilkenny,	35,499	144	288	723	616	370	353	303	313
	Mountmellick,	42,184	181	362	810	649	447	363	337	312
	Nenagh,	38,277	118	236	837	511	451	386	240	271
	Parsonstown,	39,350	147	294	691	556	355	336	280	276
	Roscrea,	24,666	73	146	409	272	212	197	146	126
	Thurles,	36,152	184	368	790	572	386	404	286	286
	Tipperary,	47,298	198	396	1,097	726	585	512	380	346
	Tullamore,	33,087	108	216	635	562	330	305	273	289
	Urlingford,	15,255	77	154	311	197	164	147	90	107
	Total,	515,272	2,059	4,118	10,650	7,953	5,563	5,087	3,971	3,982
VI. Western Division.	Ballina,	32,693	189	378	865	351	443	422	171	180
	Ballinasloe,	28,222	107	214	543	355	269	274	205	150
	Ballinrobe,	31,558	129	258	781	330	385	396	153	177
	Ballyvaghan,	6,819	17	34	82	47	42	40	23	24
	Belmullet,	17,096	53	106	479	219	252	227	127	92
	Boyle,	47,758	202	404	1,230	463	613	617	244	219
	Castlebar,	31,780	198	396	769	316	389	380	152	164
	Castlereagh,	46,783	272	544	1,232	508	654	578	239	269
	Claremorris,	32,070	188	376	1,050	435	570	480	214	221
	Clifden,	25,000	165	330	858	339	451	407	182	157
	Corrofin,	7,866	18	36	189	102	101	88	56	46
	Dromore West,	18,608	94	188	536	222	289	247	110	112
	Ennis,	30,097	142	284	655	383	326	329	195	188
	Ennistimon,	25,028	117	234	667	296	363	304	144	152
	Galway,	50,821	143	286	1,144	681	651	493	328	353
	Glennamaddy,	22,469	109	218	558	267	312	246	136	131
	Gort,	20,501	62	124	468	299	240	228	157	142
	Killadysert,	13,265	75	150	323	144	174	149	77	67
	Killala,	11,829	55	110	266	139	140	126	74	65
	Kilrush,	41,130	183	366	913	557	506	407	292	265
	Loughrea,	29,139	111	222	704	378	369	335	177	201
	Mountbellew,	19,936	90	180	495	266	255	240	154	112
	Newport,	16,660	89	178	501	235	250	251	114	121
	Oughterard,	18,472	125	250	594	260	288	306	128	132
	Portumna,	14,939	49	98	307	186	152	155	89	97
	Scarriff,	15,611	84	168	369	175	187	182	91	84
	Swineford,	52,604	387	774	1,628	613	802	826	339	274
	Tobercurry,	27,657	128	256	735	311	375	360	167	144
	Tuam,	44,440	120	240	922	375	493	429	177	198
	Tulla,	15,759	73	146	344	180	187	157	101	79
	Westport,	26,868	125	250	718	422	413	305	208	214
	Total,	822,878	3,899	7,798	20,925	9,854	10,941	9,984	5,024	4,830

Registrars' Districts, which are co-extensive with the Poor Law Unions ;—*continued.*

MARRIAGES				BIRTHS				DEATHS			
Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of			
March.	June.	September.	December.	March.	June.	September.	December.	March.	June.	September.	December.
14	28	17	14	121	126	109	89	83	86	83	68
31	25	33	44	201	177	138	192	162	137	116	104
19	7	8	7	65	64	49	61	48	38	31	40
70	56	38	71	324	330	255	264	251	236	178	277
68	18	37	31	235	215	181	178	156	161	149	162
18	16	9	22	123	97	91	60	74	65	59	72
22	3	4	11	31	47	44	29	34	20	19	28
23	29	15	21	121	122	94	114	105	100	74	76
52	30	27	35	205	197	168	153	166	175	126	149
58	43	33	47	205	209	202	194	187	152	142	168
62	18	18	20	249	228	196	164	167	135	115	94
45	33	37	32	205	167	161	158	163	153	106	134
27	14	12	20	127	106	87	89	93	63	48	68
107	17	30	30	226	218	151	195	164	152	128	128
112	16	33	37	301	306	233	257	212	153	185	176
31	30	24	23	164	174	170	127	172	152	108	130
35	14	17	11	85	70	75	81	60	59	37	41
794	397	392	476	2,988	2,853	2,404	2,405	2,297	2,037	1,704	1,915
137	25	15	12	226	208	209	222	92	107	79	73
52	17	15	23	145	144	116	138	112	92	73	78
79	28	13	9	225	193	185	178	117	79	65	69
8	1	4	4	25	18	13	26	17	6	10	14
34	9	5	5	129	108	116	126	72	72	35	40
133	23	24	22	346	290	289	305	144	108	91	120
114	49	12	23	200	172	185	212	86	78	64	88
183	43	16	30	329	259	291	353	139	142	105	122
113	34	18	23	313	173	262	302	150	109	82	94
66	22	25	52	200	249	234	175	101	83	89	66
9	1	7	1	60	50	44	35	32	27	23	20
65	10	7	12	144	133	120	139	60	68	40	54
81	19	23	19	178	184	141	152	116	105	77	85
72	19	17	9	204	170	140	153	110	74	53	59
60	35	20	28	273	310	274	287	173	181	137	190
59	24	13	13	156	99	154	149	89	74	50	54
35	9	11	7	116	112	121	119	100	68	63	68
45	16	8	6	83	83	73	84	36	39	30	39
38	7	4	6	73	67	57	69	48	40	28	23
126	21	19	17	268	238	198	209	157	151	127	122
53	19	15	24	226	185	151	142	141	86	83	68
69	8	4	9	162	93	127	113	89	77	49	51
71	6	6	6	144	95	121	141	92	59	31	53
75	8	23	19	153	167	147	127	85	88	42	45
21	10	8	10	77	98	64	68	54	57	38	37
55	9	13	7	97	109	87	76	43	62	33	37
326	26	12	23	455	233	413	527	251	149	100	113
92	19	5	12	206	159	193	177	89	113	55	54
68	28	13	11	222	202	227	271	104	82	85	104
45	7	12	9	100	91	83	70	63	47	38	32
89	13	10	13	184	179	171	184	128	108	85	101
2,473	565	397	464	5,719	4,871	5,006	5,329	3,090	2,631	1,960	2,173

MARRIAGES, BIRTHS, and DEATHS *registered* during the year 1866, by Superintendent

	DIVISIONS AND SUPERINTENDENT REGISTRARS' DISTRICTS.	POPULATION IN 1861.	MARRIAGES.		BIRTHS.	DEATHS.	BIRTHS.		DEATHS.	
			Number.	Persons Married.			Males.	Females.	Males.	Females.
	SUPERINTENDENT REGISTRARS' DISTRICTS.									
VII. South-Eastern Division.	Callan,	24,969	102	204	564	447	283	281	221	226
	Carrick-on-Suir,	30,294	100	200	826	571	431	395	277	294
	Clogheen,	25,249	137	274	641	391	323	318	188	203
	Clonmel,	28,039	171	342	674	656	337	337	338	318
	Dungarvan,	24,346	110	220	652	387	328	324	200	187
	Enniscorthy,	42,886	228	456	1,076	912	539	537	445	467
	Fermoy,	37,960	172	344	834	536	433	401	271	265
	Kilmacthomas,	15,494	79	158	444	260	213	231	147	113
	Lismore,	20,845	130	260	463	261	229	234	110	151
	Middleton,	34,086	170	340	758	511	397	361	262	249
	Mitchelstown,	22,747	102	204	549	332	291	258	171	161
	New Ross,	44,141	160	320	1,042	846	539	503	404	442
	Thomastown,	21,405	102	204	500	392	239	261	181	211
	Waterford,	60,068	368	736	1,456	1,251	697	759	605	646
	Wexford,	43,727	233	466	981	1,036	530	451	483	553
	Youghal,	24,701	144	288	572	388	301	271	174	214
	Total,	500,957	2,508	5,016	12,032	9,177	6,110	5,922	4,477	4,700
VIII. South-Western Division.	Bandon,	27,256	161	322	771	378	379	392	205	173
	Bantry,	15,964	93	186	494	178	269	225	78	100
	Cahersiveen,	25,204	163	326	759	270	421	338	131	139
	Castletown,	15,076	97	194	544	230	295	249	127	103
	Clonakilty,	28,268	162	324	844	394	432	412	204	190
	Cork,	147,572	907	1,814	3,841	3,171	1,948	1,893	1,604	1,567
	Croom,	21,172	43	86	420	191	221	199	101	90
	Dingle,	20,539	127	254	693	276	372	321	115	161
	Dunmanway,	17,426	97	194	593	221	297	296	109	112
	Glin,	15,750	77	154	450	213	223	227	115	98
	Kanturk,	34,480	204	408	979	402	515	464	201	201
	Kenmare,	18,757	120	240	579	209	292	287	100	109
	Killarney,	43,987	255	510	1,371	609	706	665	278	331
	Kilmallock,	39,539	214	428	904	635	468	436	310	325
	Kinsale,	23,837	118	236	604	390	298	306	198	192
	Limerick,	90,756	505	1,010	2,169	1,703	1,111	1,058	810	893
	Listowel,	36,531	203	406	967	411	509	458	205	206
	Macroom,	31,090	205	410	977	396	508	469	201	195
	Mallow,	35,751	166	332	906	663	454	452	310	353
	Millstreet,	14,797	58	116	489	178	236	253	81	97
	Newcastle,	31,624	188	376	874	364	442	432	198	166
	Rathkeale,	22,055	91	182	493	322	253	240	168	154
	Skibbereen,	32,412	196	392	913	395	464	449	183	212
	Skull,	13,902	98	196	416	141	212	204	63	78
	Tralee,	52,068	345	690	1,571	709	809	762	370	339
	Total,	855,813	4,893	9,786	23,621	13,049	12,134	11,487	6,465	6,584

Registrars' Districts, which are co-extensive with the Poor Law Unions;—*continued.*

MARRIAGES				BIRTHS				DEATHS			
Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of			
March.	June.	September.	December.	March.	June.	September.	December.	March.	June.	September.	December.
41	19	23	19	167	163	122	112	110	118	116	103
32	23	20	25	205	236	188	197	200	123	103	145
80	18	25	14	166	182	133	160	102	147	61	81
54	34	41	42	171	202	145	156	188	176	138	154
71	12	14	13	197	172	148	135	112	97	90	88
64	42	53	69	293	300	243	240	290	269	165	188
82	26	19	45	240	222	184	188	161	153	102	120
33	15	10	21	133	116	84	111	92	65	46	57
71	27	10	22	142	119	99	103	72	62	66	61
68	29	34	39	238	216	156	148	130	123	121	137
66	18	11	7	164	148	116	121	92	77	72	91
65	36	20	39	262	303	232	245	264	224	181	177
45	15	21	21	144	129	103	124	121	99	75	97
115	75	94	84	422	449	314	271	330	346	265	310
65	56	45	67	245	275	233	228	295	238	162	341
80	18	18	28	149	156	145	122	112	96	83	97
1,032	463	458	555	3,338	3,388	2,645	2,661	2,671	2,413	1,846	2,247
91	24	26	20	227	192	162	190	117	113	64	84
66	11	8	8	154	122	112	106	54	49	34	41
136	4	7	16	223	183	174	179	85	65	56	64
74	11	5	7	176	152	119	97	69	63	38	60
112	17	18	15	275	213	170	186	118	118	77	81
247	220	241	199	1,097	969	872	903	1,022	781	604	764
16	11	7	9	126	135	82	77	48	51	39	53
113	5	7	2	194	190	140	169	80	72	50	74
62	14	13	8	175	183	101	134	59	58	52	52
35	10	18	14	111	144	105	90	54	54	50	55
129	28	27	20	274	262	218	225	125	99	86	92
86	11	7	16	183	147	110	139	82	50	38	39
191	23	23	18	382	408	287	294	185	144	121	159
107	26	41	40	253	261	193	197	183	167	131	154
50	21	19	28	182	162	122	138	120	89	86	95
153	131	110	111	659	548	504	458	544	394	340	425
125	30	17	31	282	246	215	224	144	93	77	97
145	26	18	16	292	244	228	213	154	91	69	82
67	39	29	31	239	266	219	182	181	200	144	138
45	6	2	5	122	160	113	94	51	57	34	36
137	20	18	13	245	237	188	204	131	66	90	77
43	14	19	15	149	139	95	110	86	104	62	70
139	19	21	17	270	276	175	192	105	120	80	90
79	8	5	6	125	109	92	90	40	39	30	32
207	52	47	39	460	413	302	396	192	193	144	180
2,655	781	753	704	6,875	6,361	5,098	5,287	4,029	3,330	2,596	3,094

MARRIAGES, BIRTHS, and DEATHS *registered*

PROVINCES AND COUNTIES.*		POPULATION IN 1861.	MARRIAGES.		BIRTHS.	DEATHS.	BIRTHS.		DEATHS.	
			Number.	Persons Married.			Males.	Females.	Males.	Females.
PROVINCES.										
Leinster,		**1,430,029**	**7,352**	**14,704**	**33,126**	**28,291**	**17,110**	**16,016**	**14,077**	**14,214**
Munster,		**1,528,877**	**8,053**	**16,106**	**39,213**	**23,343**	**20,146**	**19,067**	**11,643**	**11,700**
Ulster,		**1,930,921**	**10,424**	**20,848**	**50,680**	**30,972**	**25,891**	**24,789**	**15,165**	**15,807**
Connaught,		**908,737**	**4,322**	**8,644**	**23,218**	**10,992**	**12,063**	**11,155**	**5,589**	**5,403**
COUNTIES.										
Province of LEINSTER.	Carlow,	51,802	235	470	1,173	942	618	555	437	505
	Dublin,	412,032	3,233	6,466	10,923	11,132	5,648	5,275	5,446	5,686
	Kildare,	100,388	413	826	2,163	1,701	1,151	1,012	916	785
	Kilkenny,	113,065	490	980	2,469	1,922	1,244	1,225	922	1,000
	King's,	95,821	343	686	1,777	1,473	927	850	734	739
	Longford,	90,889	344	688	1,981	1,186	1,010	971	633	553
	Louth,	111,955	489	978	2,665	1,930	1,358	1,307	960	970
	Meath,	83,497	214	428	1,698	1,311	867	831	655	656
	Queen's,	74,088	294	588	1,406	1,070	762	644	538	532
	Westmeath,	56,264	137	274	1,154	940	594	560	499	441
	Wexford,	155,611	723	1,446	3,676	3,165	1,885	1,791	1,527	1,638
	Wicklow,	84,617	437	874	2,041	1,519	1,046	995	810	709
	Total,	1,430,029	7,352	14,704	33,126	28,291	17,110	16,016	14,077	14,214
Province of MUNSTER.	Clare,	155,575	709	1,418	3,542	1,884	1,886	1,656	979	905
	Cork,	557,325	3,150	6,300	15,084	8,904	7,729	7,355	4,442	4,462
	Kerry,	197,086	1,213	2,426	5,940	2,484	3,109	2,831	1,199	1,285
	Limerick,	220,896	1,118	2,236	5,310	3,428	2,718	2,592	1,702	1,726
	Tipperary,	246,948	1,076	2,152	5,496	3,913	2,806	2,690	1,982	1,931
	Waterford,	151,047	787	1,574	3,841	2,730	1,898	1,943	1,339	1,391
	Total,	1,528,877	8,053	16,106	39,213	23,343	20,146	19,067	11,643	11,700

* NOTE.—The *Registration Counties* consist of groups of Superintendent Registrars' Districts, or Poor Law Unions. Whenever a District hence all the Registration Counties differ

in each Province and County, during the Year 1866.

MARRIAGES				BIRTHS				DEATHS			
Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of			
March.	June.	September.	December.	March.	June.	September.	December.	March.	June.	September.	December.
2,014	**1,777**	**1,723**	**1,838**	**8,855**	**9,162**	**7,657**	**7,452**	**7,863**	**7,147**	**5,713**	**7,568**
4,243	**1,259**	**1,290**	**1,261**	**11,320**	**10,659**	**8,486**	**8,748**	**7,034**	**6,008**	**4,790**	**5,511**
3,148	**2,330**	**2,110**	**2,836**	**13,568**	**13,594**	**11,799**	**11,719**	**9,430**	**8,683**	**6,089**	**6,770**
2,609	**679**	**455**	**579**	**6,345**	**5,401**	**5,638**	**5,834**	**3,497**	**2,925**	**2,159**	**2,411**
70	56	38	71	324	330	255	264	251	236	178	277
740	812	861	820	2,836	2,961	2,583	2,543	2,832	2,594	2,341	3,365
86	107	116	104	616	611	480	456	470	455	342	434
191	94	97	108	724	656	559	530	531	516	413	462
99	92	76	76	490	463	425	399	440	405	288	340
130	69	73	72	550	562	454	415	330	334	245	277
155	133	91	110	718	738	600	609	610	514	368	438
54	59	47	54	443	468	415	372	411	360	245	295
94	74	54	72	357	382	355	312	304	258	244	264
47	30	35	25	294	349	251	260	299	250	168	223
225	155	140	203	949	1,045	833	849	969	848	573	775
123	96	95	123	554	597	447	443	416	377	308	418
2,014	1,777	1,723	1,838	8,855	9,162	7,657	7,452	7,863	7,147	5,713	7,568
441	93	103	72	1,015	943	779	805	574	511	391	408
1,602	535	514	499	4,399	4,052	3,304	3,329	2,710	2,326	1,776	2,092
858	125	108	122	1,724	1,587	1,228	1,401	768	617	486	613
491	212	213	202	1,543	1,464	1,167	1,136	1,046	836	712	834
529	142	204	201	1,540	1,521	1,175	1,260	1,130	1,025	855	903
322	152	148	165	1,099	1,092	833	817	806	693	570	661
4,243	1,259	1,290	1,261	11,320	10,659	8,486	8,748	7,034	6,008	4,790	5,511

or Union extends into more than one County, it is assigned wholly to that County in which the greater portion of the Population is located: more or less from the Counties Proper.

MARRIAGES, BIRTHS, and DEATHS *registered* in each

	PROVINCES AND COUNTIES.	POPULATION IN 1861.	MARRIAGES.		BIRTHS.	DEATHS.	BIRTHS.		DEATHS.	
			Number.	Persons Married.			Males.	Females.	Males.	Females.
	COUNTIES.									
Province of ULSTER.	Antrim,	355,201	2,604	5,208	11,830	7,451	6,003	5,827	3,637	3,814
	Armagh,	229,051	1,474	2,948	6,365	3,820	3,226	3,139	1,854	1,966
	Cavan,	171,167	660	1,320	4,218	2,473	2,122	2,096	1,230	1,243
	Donegal,	225,022	936	1,872	4,902	2,649	2,556	2,346	1,306	1,343
	Down,	272,811	1,574	3,148	7,440	4,812	3,816	3,624	2,363	2,449
	Fermanagh,	98,275	425	850	2,149	1,197	1,145	1,004	604	593
	Londonderry,	194,713	1,021	2,042	4,717	3,009	2,385	2,332	1,476	1,533
	Monaghan,	136,539	574	1,148	3,254	1,975	1,692	1,562	951	1,024
	Tyrone,	248,142	1,156	2,312	5,805	3,586	2,946	2,859	1,744	1,842
	Total,	1,930,921	10,424	20,848	50,680	30,972	25,891	24,789	15,165	15,807
Province of CONNAUGHT.	Galway,	273,939	1,081	2,162	6,593	3,406	3,480	3,113	1,733	1,673
	Leitrim,	95,311	442	884	2,369	1,126	1,200	1,169	565	561
	Mayo,	252,558	1,413	2,826	7,057	3,060	3,644	3,413	1,552	1,508
	Roscommon,	186,763	871	1,542	4,608	2,101	2,391	2,217	1,086	1,015
	Sligo,	100,166	515	1,030	2,591	1,299	1,348	1,243	653	646
	Total,	908,737	4,322	8,644	23,218	10,992	12,063	11,155	5,589	5,403
	IRELAND,	5,798,967*	30,151	60,302	146,237	93,598	75,210	71,027	46,474	47,124

* Including 403 Seamen and others at Sea on Census Night,

Province and County, during the Year 1866;—*continued.*

MARRIAGES				BIRTHS				DEATHS			
Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of				Registered in the Quarter ending the last Day of			
March.	June.	September.	December.	March.	June.	September.	December.	March.	June.	September.	December.
662	605	593	744	3,090	3,272	2,830	2,638	2,329	2,079	1,528	1,515
396	331	319	428	1,663	1,749	1,508	1,445	1,113	1,095	737	875
235	137	128	160	1,136	1,110	989	983	737	710	452	574
530	127	101	178	1,440	1,195	1,097	1,170	915	713	496	525
394	367	373	440	1,921	2,050	1,721	1,748	1,414	1,368	979	1,051
140	106	74	105	605	569	464	511	359	312	259	267
256	277	202	286	1,279	1,243	1,057	1,138	925	793	574	717
205	125	106	138	873	833	787	761	559	566	374	476
330	255	214	357	1,561	1,573	1,346	1,325	1,079	1,047	690	770
3,148	2,330	2,110	2,836	13,568	13,594	11,799	11,719	9,430	8,683	6,089	6,770
558	180	147	196	1,730	1,659	1,615	1,589	1,048	888	709	761
221	79	53	89	684	580	575	530	359	295	215	257
1,001	197	95	120	1,949	1,428	1,719	1,961	1,036	801	569	654
540	131	100	100	1,264	1,106	1,069	1,169	645	553	432	471
289	92	60	74	718	628	660	585	409	388	234	268
2,609	679	455	579	6,345	5,401	5,638	5,834	3,497	2,925	2,159	2,411
12,014	6,045	5,578	6,514	40,088	38,816	33,580	33,753	27,824	24,763	18,751	22,260

not included in the Returns from any particular locality.

DUBLIN: PRINTED BY ALEXANDER THOM, 87 & 88, ABBEY-STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

RETURN to an Order of the Honourable The House of Commons, dated 16 July 1867;—*for*,

COPY "of the CORRESPONDENCE between the Irish Government, the President of the Queen's College, *Galway*, and Professor *D'Arcy Thompson*, in reference to the publication of certain LETTERS by the latter Gentleman."

— No. 1. —

Sir *Thomas A. Larcom* to the President of Queen's College, *Galway*.

Sir, Dublin Castle, 15 May 1867.

I AM directed by the Lords Justices to transmit herewith two printed letters, the one dated 2nd May, the other taken from the London "Daily News" of 13th May, both bearing the signature of Mr. Thompson, of the Queen's College, Galway, and I am to request that you will call on that gentleman to state whether he acknowledges the authorship of those letters, or either of them, or whether he authorised the publication of them, or either of them.

I am to request the return of the enclosures.

I am, &c.

The President, (signed) *Thos. A. Larcom.*
Queen's College, Galway.

Enclosures in No. 1.

THE following remarkable Letter appears in the Edinburgh "Scotsman," to whose Editor it has been addressed:—

Sir, Eyre-square, Galway, 2 May 1867.

YESTERDAY, in Dublin, two Fenians were sentenced to death, on the charge of high treason. One of them was recommended to mercy by the jury. Both are recommended to mercy by humanity and common sense. You will agree with me that it is a disgrace to our country and epoch that political charges, however heinous, should be liable to the extreme penalty. In the case, however, of Irish, or Hiberno-American Irish, there are special extenuating circumstances various and weighty. Within the last 25 years a multitude, almost equal to the entire population of Scotland, has emigrated from Ireland to America. Almost the entirety of this emigration has been self-supporting. Can the history of the world produce a parallel instance of peasant kindness, generosity, and unselfishness? Among the millions of Irish now in America there is not a solitary one who has a kind word to say of the government of the old country. Is there an instance in history of the opinion of millions, loudly and repeatedly expressed, being entirely in the wrong? Some 3,000,000, then, or more, have of late years quitted this island. A million left within the space of three years. These simple facts are terribly, painfully, tragically eloquent. But for the wide plains of America nothing earthly could have saved this country from a bloody internecine war of peasant against proprietor. Should we not be thankful for what, with no thanks to ourselves, we have escaped? Should we not be provident against future, not impossible, contingencies? I assure you, upon my word of honour, that the general condition of this country is misrepresented, even in the

columns of its own journalism. The country is almost throughout rife with disaffection. Personal loyalty to the Sovereign is weak, and the detestation of English rule is almost universal. It is insanity on the part of our statesmen to be driving thus an engine with the safety-valve down. It is true they may rake out all the coal, and achieve security by bringing all to a standstill; but such a step would be an indication of cowardice rather than of sagacity. The Catholic priests have denounced Fenianism, but only and avowedly on the ground that its chances were hopeless, not that its motives or objects were wrong. I will venture on my own responsibility to assert that in the west, south, and south-east of Ireland, nine in ten of the men and women of all classes, excepting the holders of land, sympathise warmly with the Fenian cause. I have scarcely conversed with a single gentleman or lady, or boy or girl, who had not a kindly word for their patriotism, although very many spoke regretfully of their lack of common sense. Under such circumstances, can we learn, without something akin to horror, that two poor misguided but well-meaning lovers of their country have been condemned to the death of a felon? Are we living in a Christian land, in civilised Europe, in the nineteenth century? I beg and entreat of you, by your love of justice, by your love of freedom, to exert all your personal and public influence in gaining a commutation of this horrible sentence. Let folly be treated as folly, but let it never be placed in the category of brutality. Were I a native Irishman, my pleading might naturally be taken as one-sided and partial. I am an Englishman, and have passed only three years in Ireland. But I have travelled far and wide in it; I have made it my business to sift in all directions the opinions of Irishmen and women of all ranks, and I have come slowly and sadly to the conclusion that disaffection in this unhappy country is not a crime, is almost a duty. I wish I could have you with me for six weeks of this summer, and I would take you with me over the hills of Connemara, and show you hills unsurpassed in beauty in Europe, and peasants unsurpassed in misery and patience. O God, how long! I am sad at heart to be placed in the centre of so oppressed a people. They, poor things, are under the idea that their enemies are the "Times," the English Government, and the English people. With regard to the "Times," they are right enough. But far more terrible enemies than the flippant, insolent, and half-informed writers in the great London journal, are the native landlords and the native middlemen. Here and there are specimens of noble landlords; here and there are specimens of almost tolerable middlemen; but the classes, as classes, are bad, selfish, and unpatriotic. Until the former mend of themselves, or be forced to mend, and until the latter are pretty well exterminated, Ireland will be a trouble and a disgrace to England. In conclusion, I once more beg most earnestly of you to plead the cause of Burke and Doran, as those two poor fellows have in reality been led into nine-tenths of their folly by men whose selfish exactions have been and are legalised and enforced by the cruel and unjust laws of the land.

I am, &c.

(signed) *D'Arcy Wentworth Thompson*,
Greek Professor, Queen's College, Galway.

Extract from the London "Daily News," 13th May 1867

Ireland.

To the Editor of the "Daily News."

Sir,

I call upon you as an upholder of fair play to give my words space in your columns. I am an Englishman resident in Ireland. I have travelled in this country, north, south, east, and west. I have endeavoured in all quarters to draw from friends, acquaintances, relations, and even from casual talkers, opinions regarding the condition of this country, the causes of its misery, and the remedies possible of that same misery. My residence is fixed in a city which is full of pauperism, and which is the capital of a province wherein is a fearful amount of suffering. In Connemara, a district as beautiful as Argyleshire, famine is imminent

imminent. My doorway is daily thronged with poor women and children. The majority of them are actually in want of food for the day. As I sit at meals, my window is tapped by poor creatures who ask no money, but only a piece of bread. My income is very limited. I would willingly sell the little that I have and the less that I am to relieve this amount of suffering. But, alas! I feel that day after day I am becoming hardened by the continual spectacle of distress. Before my sympathies are thoroughly deadened, I hasten to write an appeal to the common sense and humanity of Englishmen in favour of the lovable and maligned people of this island.

The topic is now so predominant, that I must limit my appeal for the present to one class of unfortunates, the Fenians now under trial for treason, or on lesser charges.

And, first, I would beg to gain a hearing through your columns to this claim, that neither now nor henceforward should any political crime or charge be visited with death.

Your knowledge of history, ancient and modern, will have taught you that there has never been a rising, small or great, and at all events, never a succession of risings, against a constituted Government, without there having been great cause given by the undue pressure of laws and customs unfair or foolish, or both.

I am quite willing to acknowledge that our poor Fenians were very short-sighted in the means employed to work their ends, but I am not prepared to acknowledge that their ends were altogether wicked, or even foolish.

I am loyal to my good Sovereign, and I should view with sorrow any move that might tend to the dismemberment of the empire; but, at the same time, I am forced to own that the apparently rabid hatred of the Fenian to the typical landholder of this island is not only just, but is absolutely involuntary.

It is not the present Government, or the late Government, or the preceding Government of our country that is chargeable with Irish disaffection. It is the general government of the whole country over the last 300 years, and the iniquity of the sum total has overpowered the really honest and kindly attempts of the legislation of this one generation.

Now, sir, when a patient is covered with boils or pimples, we do not attempt his cure by puncturing or cauterising the indications of disease, but we proceed at once to internal methods of counteracting, neutralizing, or exterminating the cause of disease itself.

What then, sir, is the chief cause of this unhappy Fenianism? Who are the chief offenders? Who are the spreaders, witting or unwitting, of disloyalty and confusion? I answer unhesitatingly, and my answer will be echoed from every corner of Ireland—"the bad landlords and the unpatriotic among the representatives of Ireland."

Now, sir, if my premises are correct, I hold that if any people at all should at present be hanged for the good of the nation—and I hold that no hanging is requisite at all—the only hanging that the public opinion of Europe or America would endorse would be that of some twenty landlords and some six Irish members of Parliament, including amongst the latter at least one lawyer.

Sir, it is the province of goodness to be long-suffering—of power and greatness, to be charitable and clement. The character of our gracious Queen is beneficent and maternal. Will she, who has proved herself a mother in her Israel of England and Scotland, now show herself a step-mother to poor Ireland? No, no, sir, I trust our Sovereign has even yet long years of life and health before her, and I trust and believe that some portions of her remaining term of sovereignty will be devoted to winning round by her kindly presence a not unjustly disaffected people to loyalty and love. There is a measure now before the Imperial Parliament for improving the condition of the oppressed tenantry of Ireland. If the measure were passed to-morrow any cruel and selfish landlord could drive a dog-cart through its clauses. He could give a single paper to a reclaimant tenant carrying permission for improvements on one page, and a notice to quit on the other.

If any one member, English or Irish, could propose and pass, or get passed, a Bill that would create a numerous class of tenants whose rent should be fixed at a reasonable valuation, and whose tenure should be copyhold, for every such tenant our good Queen would have won a loyal subject, and Ireland would have

within her an industrious son of the soil to counteract sedition within, and to meet hostility from without.

I fear to trespass more on your space, but I cannot conclude without reiterating an entreaty that you will, for the sake of common sense and justice, not to speak of humanity or Christian feeling, aid me in my appeal against blood being shed now or henceforward upon any charge, however serious, of a political nature.

I am, &c.
(signed) *D'Arcy Wentworth Thompson,*
Greek Professor, Queen's College, Galway.

Fenianism and the Professor of Greek in Queen's College, *Galway.*

Professor D'Arcy Wentworth Thomson writes to the editor of the "Daily News": "Sir,—I see from to-day's journals that Colonel Knox is to inquire to-morrow evening of the Chief Secretary for Ireland whether I am to be dismissed from a professorial chair for expressing, with a little warmth, due to local and temporal circumstances, opinions on topics political that have been put forward during the last few weeks with greater force and eloquence by statesmen and writers of the first rank in the empire. Is a professional man to be treated like a refractory tenant at will for entertaining the views put forward by such men as Mr. Gladstone, Mr. Bright, Mr. Goldwin Smith, Professor Fawcett, Mr. Beesley, and a score of others equal or nearly equal in repute? I maintain that Colonel Knox's very question goes to prove my remarks as to the absolutist character of landlords in this unhappy country. 'Eviction' is the panacea for all ills; and if Colonel Knox could have his own foolish and tyrannical way, the cure would be extended to the treatment of men of independent opinions in the walks of science and of literature. The colonel must dream that he is in Russia. My extra-academical teaching in public lecture-room or in public print has been and will be adverse to political and ecclesiastical one-sidedness; but I am as hostile to vulgar, stupid, though well-intentioned violence as I am to respectable, stupid, and equally unconstitutional coercion. Meanwhile, sir, as heretofore, I purpose in my class room to stick closely to my last; but out of my class room, so long as I fear God, honour the Queen, and love my neighbour, I shall be careless as to what may be thought of me by Colonel Knox.

"Eyre Square, Galway, May 14."

— No. 2. —

The President of Queen's College, Galway, to the Under Secretary.

Queen's College, Galway,
Sir, 15 May 1867.

In answer to your letter of the 15th instant, stating that you had been directed by the Lords Justices to request of me to call upon Professor Thompson to state whether he acknowledged the authorship of two letters, one dated the 2nd May, the other taken from the London "Daily News," and both enclosed in your letter to me of yesterday, I beg to enclose the reply of Professor Thompson. May I beg to state that of the existence of one of these letters, that of the 2nd May, I was not aware until I received it from you, and that I heard of the other only last evening.

I have, &c.
(signed) *Edward Berwick,*
President.

The Under Secretary,
Dublin Castle.

— No. 3. —

Professor *D'Arcy W. Thompson* to the President of Queen's College, Galway.

Queen's College, Galway,
Sir, 16 May 1867.

I WROTE and authorised the publication of the two letters referred to. The one addressed to the "Scotsman" was written almost immediately after my perusal of the conviction of the two prisoners, when I was under very strong mental and nervous excitement. Had I to re-write it, I should still advocate clemency, but certainly in terms more moderate.

With the general tone of the letter in the "Daily News," I am not disposed to disagree.

I am, &c.
The President, (signed) *D'Arcy W. Thompson.*
Queen's College, Galway.

— No. 4. —

Professor *D'Arcy W. Thompson* to the President of Queen's College, Galway.

My dear Mr. President, Eyre Square, 27 May.

You will oblige me greatly by informing me whether you have heard anything of what the Government is likely to do in regard to my letters as recently published in the "Scotsman" and the "Daily News," and which were brought under the attention of the Government in the House by Colonel Knox.

I am, &c.
(signed) *D'Arcy W. Thompson.*

— No. 5. —

The President of Queen's College, Galway, to the Under Secretary.

Queen's University, Dublin,
Sir, 7 June 1867.

I TAKE the liberty of bringing under your notice some circumstances connected with the case of Professor Thompson, which have occurred since I received your letter of the 15th ultimo, requesting me to call upon that gentleman to state whether he acknowledged the authorship of two letters, one bearing date the 2nd May, the other taken from the London "Daily News" of the 13th May.

Towards the end of May I received a letter from Professor Thompson requesting to know whether I had received any intimation of what steps the Government was likely to take with respect to the letters alluded to above. In replying to him that I had received no such intimation, I took the opportunity of expressing, not only my own views, but those of the entire Collegiate body, on the great impropriety of a man in his position advancing sentiments so repugnant to the feelings of every loyal man, as portions of his letters would seem to convey, and which, I well knew, his calmer judgment would repudiate; and I stated my surprise that he had not before endeavoured to remove from the College the reproach which the utterance of such sentiments by any of its body must naturally cast upon it.

This letter and the reply of Professor Thompson I now enclose. May I request that you will have the goodness to lay them before his Excellency the Lord Lieutenant? The Government is at full liberty to make whatever use of them it may think fit.

May I now be permitted to express a hope that Professor Thompson, having

repudiated the obnoxious sentiments which parts of his letters might seem to imply, having declared his abhorrence of the late criminal movement, having avowed (what no one who knows him could for a moment doubt) his loyalty and devotion to his Queen, the Government may be satisfied with these avowals, and not consider it necessary to deprive the College of a man whose rare attainments as a scholar, whose indefatigable industry as a teacher, and whose conduct as a gentleman, have rendered his services so valuable.

Nor can I hesitate to add that, while the entire collegiate body condemn and deplore the rashness that led to the publication of the letters in question, they will all rejoice should his Excellency decide on leaving among them a Professor so much esteemed and respected.

I have, &c.
(signed) *Edward Berwick*, President,
Queen's College, Galway.

The Under Secretary,
Castle.

— No. 6. —

The President of Queen's College, Galway, to Professor *D'Arcy W. Thompson.*

Queen's College, Galway,
29 May 1867.

Dear Professor Thompson,

I HAVE received your letter in which you wish to know whether I have heard anything of the steps likely to be taken by the Government, in reference to the letters published by you in the "Scotsman," and "Daily News," and which have recently been brought under the attention of the Government and the House of Commons by Colonel Knox.

No communication has as yet been made to me of the course the Government intend to pursue; I can well understand the difficulty in which they are placed, by a reluctance, on the one hand, to act with severity towards a man of your attainments, by the impossibility, on the other, of passing over acts so unjustifiable as yours.

As you have brought the matter before me, I cannot let the opportunity pass without expressing to you my surprise that you have not, ere this, endeavoured to free yourself from the imputation of holding sentiments such as some portions of your letters would seem to imply, and of relieving the college from the stigma which the uttering of such sentiments by any of its body must inevitably fix upon it.

You appear before the public as a Professor of the Queen's University and Colleges, endeavouring, in some degree, to justify or palliate a movement, the avowed object of which was to overturn the Throne under which you hold your office.

To those who, like me, and your brother Professors, know how entirely you repudiate the opinions which your letters would seem to convey, how utterly you despise the fatuity and abhor the criminality of the Fenian movement, such an apology may appear unnecessary; but surely you owe it to the Government, to your college, and to yourself, to let the public know what your real sentiments are, and how much you deplore that, under the excitement and haste of pleading for mercy to condemned men, you used language which for a moment would seem to justify or palliate their acts. I have thought it right to lay these opinions before you; they are those of the entire collegiate body who, while regarding you with affection and respect, lament the rashness which led you to put forward sentiments so alien to your nature, and the still greater fault of not having, long since, set yourself right with the public.

I am, &c.
(signed) *Edward Berwick*,
President.

Professor D'Arcy Thompson.

— No. 7. —

Professor *D'Arcy W. Thompson* to the President of Queen's College, *Galway*,

Eyre Square, Galway,
30 May 1867.

Dear Mr. President,

I HAVE read and re-read your letter of yesterday's date, with the respectful attention due to the remarks of one whose judgment I respect, and for whose manifold kindness I am deeply grateful.

I acknowledge the justice of your official censure; I acknowledge that I committed a very grave academical offence in affixing my professional title to extra-academic letters; the more so as the subject of the said letters was one concerning which the greatest discrepancy of opinion exists; concerning which my colleagues, without exception, are at variance with myself; and concerning which I therein expressed myself in terms more impassioned than my own calm reflection can now justify.

I beg to express to yourself and to my colleagues my heartfelt regret at having thus compromised you as a body corporate. I admit that the appendage to my name of an academic and Crown-assigned title gave an undue weight to statements of private and personal opinion. But I did not affix the objectionable words with the intention of securing that undue weight. My error, so far was one of thoughtlessness; of thoughtlessness so inexcusable, that I am ready to submit without a protest to any consequences it may entail.

And now, sir, let me speak of my letters to the "Scotsman" and the "Daily News," under the hypothesis that they had been written by me as a private individual; had been signed by my name in full, or by my initials, and had contained clauses protesting against their being viewed as academic utterances.

Sir,—Time, place, and circumstance had much to do with the vehemence and warmth with which my appeals were made. I feel now like an advocate who has pleaded more warmly than wisely a desperate and losing cause; like a political partisan who in election times has spoken too hotly of an antagonist from the hustings. I do not love my client or my nominee the less, but I feel more reasonably, equitably, and fairly disposed towards my opponents.

Some few days after Colonel Knox made his first remarks on me in the House, at a time when I thought the matter had been set aside as irrelevant or unimportant, I wrote a letter to the "Daily News" in terms similar to those I am now employing. The day after my explanatory letter was forwarded, I read in the daily journals that Colonel Knox had revived the question, and had made derisive remarks as to my mental condition. I at once telegraphed to suppress the publication of what I thought might, under the circumstances, be regarded as an index less of candour than of fear. I may as well add, sir, that on both occasions, had Colonel Knox confined his observations within legitimate bounds, I should have written frankly to the journals to clear up misconceptions as to my opinions and objects; but on both occasions he put leading questions concerning my dismissal, and in so doing was as disrespectful to authority as unjust to me.

I have again and again perused the letters in the two journals. Amongst other overcharged rhetorical expressions, I read with especial regret that foolish and inconsiderate one concerning the treatment of landlords and representatives. I am appalled to think that such extravagant and, I own, undignified banter should have been for a moment discussed as containing the very slightest grain of literal earnestness. You must bear in mind, sir, that I was pleading a cause, not writing a chapter in a treatise. If I pushed so far the plea of extenuating circumstances as to seem to any casual or party readers to palliate or justify outrage, it was because my feelings were abnormally moved, and my judgment for a while warped, by the sight of a gibbet in the perspective. I personified hard dealing. I attacked men when in fairness I should have impugned usage and law. I was unwittingly a special pleader. My dispassionate belief is that the Irish landlord is as much the creature of circumstance as the Irish tenant. I do not believe that a landlord, as such, is an oppressor; that a cotter-tenant, as such, is of necessity a victim. I hold that there is no question at issue between them but what, with the aid of the now awakened sympathies of England, may be satisfactorily settled by constitutional legislation. I candidly avow that I would freely give the feeble aid of my tongue or my pen towards the modification of what

may seem to me hard usages and unequal laws, but I should shrink with unfeigned horror from being considered as a wilful and deliberate on-setter of class against class.

It did not need, sir, the kindly expressions in your letter to assure me that you have never doubted for a moment my loyalty to my Sovereign, my respect for order, my abhorrence of all violent interference with law. I would willingly, if called upon, take the field, as volunteer or special constable, against armed invasion or sedition. I would shoot down without the slightest compunction a rebel in arms before me. These sentiments are quite consistent with a detestation of what I honestly, even if foolishly, consider as unnecessary, and therefore unwise, severity.

The truth is, sir, that I hold it as an article of religious faith that a Christian society under no imaginable circumstances has the right to take away life by judicial process. I hold that, in time of peace, nothing but the immediate instinct of self-preservation can justify the shedding of blood. The collective members of a community appear to me to be responsible for a great share of the folly, and ignorance, and criminality in their midst; and such responsibility would appear to me to press very heavily on the shoulders of the wealthy and educated classes. Again, I do not estimate the wickedness of an act by the amount of the mischief it may cause. A child with a lighted match may unintentionally burn down a house. I would graduate the viciousness of a course of action by the spontaneity of its growth and the selfishness of its ultimate objects.

In all, or in much of this, sir, I may be, for all I know, to pity or to blame. I am, I confess, a man of theory rather than of practice; I deal with books more than with men. I have read much and observed little. I may be a traveller from Utopia, but I am not a missionary of revolution. In short, sir, I detest rebellion, but I do not, of necessity, detest a rebel.

I am, &c.
(signed) *D'Arcy Wentworth Thompson.*

— No. 8. —

The President of Queen's College, Galway, to Sir *Thomas Larcom.*

Summerhill, Enniskerry,
Dear Sir Thomas Larcom, 27 June 1867.

I FEAR I cannot find the letter of Professor Thompson referred to in mine to him of the 29th May. It merely contained what that letter stated, namely, a request to know whether I had heard anything of the steps likely to be taken by the Government, in reference to the letters published by him in the "Scotsman" and "Daily News," and which have recently been brought under the attention of the Government and the House of Commons.

I have, &c.
Sir Thomas Larcom. (signed) *Edward Berwick.*

— No. 9. —

The Right Honourable Lord *Naas* to the President of Queen's College, Galway.

Sir, Irish Office, 11 July 1867.

I AM directed by the Lords Justices to acknowledge the receipt of your letter of the 7th ultimo, and to inform you that their Excellencies have carefully considered that letter, and the one from Professor Thompson, which you enclosed.

Their Excellencies are glad to find that Professor Thompson disclaims the obnoxious sentiments expressed in his previous letters, that he has declared his abhorrence

abhorrence of Fenianism, has avowed that he is actuated by no other feelings than those of loyalty and devotion to his Sovereign, and has expressed his regret and sorrow for having, under the pressure of intense excitement, broached opinions which he now acknowledges to be quite unjustifiable.

Their Excellencies are willing to believe that Mr. Thompson's letters were not published from a desire to stimulate disaffection or sow dissension between different classes of her Majesty's subjects, but are to be attributed to a nervous temperament and over-heated imagination.

They are, therefore, disposed to take a merciful view of his errors, and to accede to your recommendation that no further steps should be taken to mark their disapprobation of his conduct. They are the more disposed to adopt this lenient course, because they anticipate that the disavowals and retractations contained in his letter of the 30th May last will probably counteract and neutralise any mischief likely to be produced by his previous letters.

I am, &c.
(signed) *Naas.*

The President,
Queens' College, Galway.

— No. 10. —

The President of Queen's College, Galway, to the Right Honourable Lord *Naas.*

My Lord, Summerhill, Enniskerry, 15 July 1867.

I BEG to acknowledge the receipt of your Lordship's letter of the 11th instant, in reference to Professor Thompson's letters to the "Scotsman" and "Daily News," and beg to thank your Lordship, and the Government for having acceded to the recommendation which I ventured to make, that they would take no further steps to mark their disapprobation of Professor Thompson's conduct.

I have, &c.
(signed) *Edward Berwick.*

The Right Honourable Lord Naas.

I have this day forwarded your Lordship's letter of the 11th to Professor Thompson.

— No. 11. —

Professor *D'Arcy W. Thompson* to the President of Queen's College, Galway.

Eyre Square, Galway,
16 July 1867.

Mr. President,

I BEG to return, as requested, the letter addresed to you in reference to myself by their Excellencies the Lord Justices, and to state that I have read the letter with the attention and respect due to the high source from whence it issues.

Regretting exceedingly the amount of trouble that my affairs have occasioned you of late,

I am, &c.
(signed) *D'Arcy W. Thompson.*

To the President of
Queen's College, Galway.

PROFESSOR THOMPSON'S LETTERS.

COPY of CORRESPONDENCE between the Irish Government, the President of the Queen's College, *Galway*, and Professor *D'Arcy Thompson*, in reference to the Publication of certain LETTERS by the latter Gentleman.

(*Colonel Stuart Knox.*)

Ordered, by The House of Commons, *to be Printed,*
2 *August* 1867.

504.

Under 1 *oz.*

PUBLIC BILLS (IRELAND).

RETURN to an Order of the Honourable The House of Commons, dated 14 June 1867 ;—*for*,

RETURN "of all PUBLIC BILLS exclusively relating to *Ireland* which have been Introduced during the Present Session into the House of Commons; with the Titles of the same; the Names of the Members who have brought them in; likewise the Stage at which they have now arrived, and the Period of their next Stage."

(*Mr. Vance.*)

Ordered, by The House of Commons, *to be Printed*,
18 *June* 1867.

RETURN of all PUBLIC BILLS exclusively relating to *Ireland*, which have been Introduced during the present Session into the House of Commons; with the Titles of the same; the Names of the Members who have brought them in; likewise the Stage at which they have now arrived, and the Period of their next Stage.

TITLE OF BILL.	Members ordered to bring in the same.	Stage at which the Bill has now arrived.	Date for which the next Stage is Appointed.
Alimony Arrears (Ireland) Bill	Lords	Royal Assent, April 12.	
Arrest for Debt (Ireland) Bill	Sir Colman O'Loghlen Mr. Blake.	Read 1°, April 5	2°, July 3.
Blackwater Bridge	Mr. Dodson Lord Naas. Mr. Hunt.	Read 1°, and referred to the Examiners, May 15.	Waiting for Report from Examiners.
Bridges (Ireland) Bill	Mr. Chatterton Lord Naas.	Reported, June 7	As amended, to be considered June 17.
Burials (Ireland) Bill	Mr. Monsell Mr. Sullivan.	Read 1°, April 4	2°, July 3.
Charitable Donations and Bequests (Ireland) Bill.	Mr. Chatterton Mr. Michael Morris.	Reported, June 7	As amended, to be considered June 17.
Common Law Courts (Ireland) Bill	Mr. Chatterton Mr. Michael Morris.	Read 1°, February 22	2°, June 20.
County Treasurers (Ireland) Bill	The O'Conor Don Colonel Greville Nugent. Mr. Synan.	Read 3°, June 6	In the Lords.
Court of Chancery (Ireland) Bill	Mr. Chatterton Mr. Michael Morris.	As amended, considered, June 7.	3°, June 17.
Courts of Law Officers (Ireland) Bill	Mr. Chatterton Lord Naas.	Reported, June 3	Re-committed, June 17.
Dogs Regulation (Ireland) Act (1865) Amendment Bill.	Mr. Stacpoole Mr. Lawson. Mr. O'Beirne.	Read 1°, June 3	2°, June 21.
Drainage and Improvement of Lands (Ireland) Supplemental Bill.	Mr. Hunt Lord Naas.	Read 1°, June 14	2°, June 17.
Dublin University Professorships Bill	Mr. Lawson Mr. Sullivan.	Royal Assent, April 5.	
Galway Harbour (Composition of Debt) Bill.	Mr. Dodson Lord Naas. Mr. Hunt.	Select Committee nominated, June 4.	Waiting for Report.
Grand Juries (Ireland) Bill	Mr. Dawson Mr. Leader. Sir Colman O'Loghlen. Mr. Lanyon.	Withdrawn, May 15.	
Habeas Corpus Suspension (Ireland) Act Continuance Bill.	Lord Naas Mr. Chatterton.	Royal Assent, Feb. 26.	
Habeas Corpus Suspension (Ireland) Act Continuance Bill (No. 2).	Lord Naas Mr. Chatterton.	Royal Assent, May 31.	
Industrial Schools (Ireland) Bill	The O'Conor Don Mr. Monsell. Mr. Leatham.	Reported, April 2	Re-committed, June 19.
Land Contracts (Ireland) Bill	Mr. Agar Ellis Colonel French.	In Committee; progress, March 27.	Further consideration in Committee, July 2.

TITLE OF BILL.	Members ordered to bring in the same.	Stage at which the Bill has now arrived.	Date for which the next Stage is Appointed.
Land Improvement and Leasing (Ireland) Bill.	Lord Naas Mr. Chatterton.	Read 1°, February 18	2°, June 17.
Landed Property Improvement and Leasing (Ireland) Bill.	Mr. Pim Mr. Leader. Mr. Blake.	Read 1°, May 14	2°, June 17.
Land Tenure (Ireland) Bill	Sir Colman O'Loghlen Mr. Gregory.	Read 1°, February 12	2°, June 26.
Limerick Harbour (Composition of Debt) Bill.	Mr. Dodson Lord Naas. Mr. Hunt.	Read 3°, June 4	In the Lords.
Linen and other Manufactures (Ireland) Bill.	Mr. Lanyon Mr. Getty.	Read 1°, June 3	2°, June 19.
Military at Elections (Ireland) Bill	Mr. Serjeant Barry Major Esmonde. Mr. O'Beirne.	Read 1°, February 14	2°, June 26.
Mixed Marriages (Ireland) Bill	Mr. Serjeant Armstrong Mr. Cogan.	Read 2°, May 8	Committee, June 19.
Offices and Oaths Bill	Sir Colman O'Loghlen Mr. Cogan. Sir John Gray.	Read 3°, May 14	In the Lords.
Petit Juries (Ireland) Bill	Mr. Chatterton Mr. Michael Morris.	Reported, May 16	Re-committed, June 20.
Petty Sessions (Ireland) Act (1851) Amendment Bill.	Mr. Chatterton Lord Naas.	Royal Assent, May 31.	
Promissory Notes (Ireland) Bill	Mr. M'Kenna Dr. Brady.	2°, deferred for six months, May 1.	
Public Records (Ireland) Bill	Lord Naas Mr. Chatterton.	Reported, June 4	Re-committed, June 17.
Railway Companies (Winding-up) (Ireland) Bill.	Mr. Lawson Sir Colman O'Loghlen. Mr. Sullivan.	Read 1°, March 29	2°, June 26.
Representation of the People (Ireland) Bill.	Colonel French Mr. Marsh.	Read 1°, April 9	2°, June 26.
Roman Catholic Churches, Schools, and Glebes (Ireland) Bill.	Sir Colman O'Loghlen Mr. Gregory. Mr. Murphy.	Read 1°, April 30	2°, July 3.
Sale of Liquors on Sunday (Ireland) Bill	Mr. O'Reilly Lord Cremorne. Mr. Pim.	Read 2°, June 5	Committee, July 2.
Sea Coast Fisheries (Ireland) Bill	Mr. Blake Colonel Tottenham. Dr. Brady.	Select Committee nominated, May 21.	Waiting for Report.
Tenants Improvement (Ireland) Bill	Lord Naas Mr. Chatterton.	Adjourned debate on 2°, April 29.	Debate on 2° adjourned to June 17.
Tramways (Ireland) Acts Amendment Bill	Mr. Monsell Mr. Sherriff.	Read 2°, May 6	Committee, June 17.

Public Bill Office,
17 June 1867.

PUBLIC BILLS (IRELAND).

RETURN of all PUBLIC BILLS, exclusively relating to *Ireland*, which have been Introduced during the Present Session into the House of Commons; with the Titles of the same; the Names of the Members who have brought them in; likewise the Stage at which they have now arrived, and the Period of their next Stage.

(*Mr. Vance.*)

Ordered, by The House of Commons, *to be Printed,*
18 *June* 1867.

377.

Under 1 *oz.*

RIVER SHANNON.

RETURN to an Order of the Honourable The House of Commons, dated 20 June 1867 ;—*for*,

COPY "of REPORT by Mr. *J. F. Bateman* on the INUNDATIONS of the RIVER SHANNON."

Treasury Chambers, 20 June 1867.

GEORGE WARD HUNT.

RIVER SHANNON INUNDATIONS.

To the Lords Commissioners of Her Majesty's Treasury.

16, Great George-street, Westminster,
7 June 1867.

May it please your Lordships,

IN compliance with the instructions which I had the honour of receiving from your Lordships, in pursuance of Treasury Minute, 21st May 1866, I beg to present the following report.

Your Lordships' instructions are of a very comprehensive character. They require, in addition to the full investigation of the subject, careful designs, "with quantities and prices" of each work. Elaborate surveys and calculations have consequently been necessary. The river has in many respects so changed since the publication of the Ordnance maps, and the alterations made by the Shannon Commissioners vary so much from their original designs, that no sound or proper conclusion as to the works required could be made without such preliminary surveys. Unfortunately the weather of last autumn and throughout the winter, almost up to the present time, has been unsuited to out-door observations of this nature; and the river has been so continuously flooded, that a much longer time than was anticipated has been absorbed in the surveys and in the examination of the ground in which new works would have to be constructed. I mention these particulars for the purpose of explaining the reason of the apparent delay in completing my commission.

The report on the same subject which I had the honour of presenting on the 7th May 1863 so fully explains, I think, the general character of the river in its several divisions, and the provision to be made for preventing the inundation of the adjacent lands, that I need scarcely again refer to those points.

Your present instructions are "that works shall be designed which shall "embrace all that is necessary throughout each separate reach or level of the "river, extending from the point called 'World's End' at the lower end, to "Lough Allen at the upper, to secure the lands adjacent to it against the "injurious effects of ordinary winter floods; and which works, it is considered, "will also fully provide against all extraordinary summer floods, such as occurred "in 1861."

I have therefore again carefully investigated the question of the volume of such floods as are here referred to, and the level to which they must be kept down to prevent the adjacent lands from being flooded. The result is, that the conclusions I arrived at in 1863 are in every way confirmed, both by recalculation upon the quantities of water to be dealt with, taking into account the

future effect of improved drainage upon the River Suck and other tributaries, and by the ascertained elevation of adjoining lands by actual levelling.

By referring to page 5 of my Report of May 1863, your Lordships will find that the flood of August 1861 amounted to about 900,000 cubic feet per minute, as it flowed out of Lough Derg at Killaloe, and to 620,000 cubic feet per minute as it passed over the Meelick Weir. You will also observe that by reference to the registries of the height to which the water had risen throughout the long series of years to which the several lock keepers' returns (as supplied by Mr. Harding) referred, I came to the conclusion that it would be sufficient to provide at Killaloe for a flood of 1,200,000 cubic feet per minute, although the maximum winter floods had amounted to 1,600,000 cubic feet, and at Meelick to provide for a flood of 850,000 cubic feet per minute, although the maximum flood would appear to have been as much as 1,300,000 or 1,400,000 cubic feet per minute, and I therefore proposed, after considering the effect of arterial drainage (see page 7 of same report), "to provide works at Killaloe for "the passage of 1,200,000 cubic feet of water per minute, without allowing the "water to rise on the Callow lands, and at Meelick for the passage of 1,000,000 "cubic feet of water per minute, similarly confining the water to the river "channel, and at all other parts of the river in proportionate quantities, always "keeping down the surface of the river, so that scarcely any of the lands now "flooded should be ever affected."

"These quantities," I remarked, were "considerably more than the floods "which damaged the crops in the autumn of 1861. They would include a fair "proportion of the anticipated increase from extended arterial drainage and "improved cultivation of land, and they were equal to the greatest summer and "autumn floods which had been recorded, though swollen with the increase "due to drainage."

The only alteration which I now propose is to provide for 900,000 cubic feet per minute at Meelick instead of 1,000,000.

Before leaving this branch of the subject, I must again draw attention to "the peculiar circumstances of the flat lands adjoining the Shannon, where a "rise of a few inches is just as destructive to the crops as a rise of many feet, "and where increased depth, after the water is once over the land, adds but "little to the whole acreage covered, a state of things which renders it essential "that all flooding shall be prevented except on occasions of such extraordinary "rain as it would be impossible by any reasonable outlay to provide for." These extraordinary rains "so seldom occur at periods which would be de-"structive of crops, that they may be safely disregarded."

I have found little to alter in the general design or material features of the scheme which I sketched out in my report of 1863, and though I have endeavoured in every possible way to reduce the works and their probable cost, I have been unable to do so, having regard to the end to be attained.

In no case can the surface of the water be brought down to, and maintained at, the levels necessary to preserve the adjacent lands from inundation, except by the introduction of sluices at the weirs, which, in many cases, as at Meelick, at Athlone, and at Tarmonbarry, must be so adjusted that they shall be capable of discharging the whole volume of the river without permitting the water to rise many inches above the present level of the weir. The effect of this will be generally to reduce the depth of water several feet at and immediately above the weirs. It is obvious that if nothing more were done, such a reduction in the sectional area of the channel through which the water would have to pass, would require a greater velocity to convey the same quantity of water through the smaller channel. This increased velocity can only be obtained by increased declivity, and it therefore follows, that the mere introduction of sluices, while it would relieve the lands immediately above the weir, would gradually lose its effect as the distance increased, and would produce little or no benefit in the upper portion of a long reach, while at the same time it would so increase the velocity of the stream as injuriously to affect the navigation. Hence no effectual relief can be given except by such enlargement of the channel at all shallow and contracted parts as will reduce the declivity, and consequently the level of the water, so that the lands adjoining the upper reaches shall be freed from floods,

and

and that the velocity shall be consistent with the maintenance of the navigation. The necessity of meeting all these conditions has required very extensive and accurate surveys, and has postponed the determination of the precise works required until all these surveys were completed. Again, after the necessary calculations for effecting these objects had been gone into, and the extent of alteration required had been determined, the nature of the ground in which projected works would have to be constructed had to be examined, for the purpose of estimating the cost, and for making variations, where it appeared, from such subsequent examination, that better ground could be selected, and cheaper works constructed.

Your Lordships will easily understand that such an investigation has involved no ordinary amount of labour and consideration, and that it was impossible to arrive at any sound conclusion without very careful designs and accurate calculation. The designs are all now completed, and I beg to hand copies to your Lordships.

The sluices have been designed so as to be raised by turbine wheels to be worked by the river itself, without manual aid, and to be self-acting in case of neglect on the part of the attendant. By judicious use they will be found highly beneficial. For instance, where they are placed at the foot of lakes or extensive sheets of water, as at Killaloe, at Athlone, at Tarmonbarry and Rossky, at Jamestown, and at Lough Allen, they may be opened at the commencement of heavy rain or wet seasons, so as, without creating an injurious flood below the point of discharge, to pass off the water more quickly than it is received; the result of which will be to lower the surface of the lakes, and to create impounding space for the flood when it subsequently becomes as great or greater in magnitude than the sluices can discharge without raising the water below higher than the prescribed limits. They will also, if first erected, be found especially useful during the execution of such alterations in the bed of the river as are required for deepening or enlargement, by being employed in dry weather, previous to the commencement of such works below the weir, to lower the surface of the water above the weir, and then during the time the lake or river above is refilling, the bed of the river below will be left dry, when the work can be carried on cheaply and rapidly without interruption or obstruction by water. To illustrate this, take the case of works in the bed of the river below Lough Derg. The natural summer volume of the river flowing out of Lough Derg will be about 800 cubic feet per minute; the sluices could discharge, probably, 400,000 cubic feet of water per minute, without injury to the lands below, and at this rate they would lower Lough Derg about one foot in 48 hours. If the sluices were then closed, and no rain were to fall to swell the quantity of water flowing into the lake beyond the dry weather volume of 800 cubic feet per minute, it would require 100 days to refill, during which period all the operations below Lough Derg could be carried on as if they were on dry land. Again, very considerable excavations are required in the reach below Roosky where the river could, in a similar manner, be laid dry for short periods at a time, during which the operations in the river bed could be carried on with facility, only slightly impeded by streams which enter the river in this reach. By working the sluices at Athlone in the same way, and impounding the water in Lough Ree, after the surface had been reduced, the new channels at Bishops Islands and Derryholmes could be excavated with no more water to contend with than that brought down by the River Suck. In these reaches of the river this mode of proceeding could not be resorted to without suspending the navigation for the time, but such suspension might be limited to periods of 10 days or a fortnight with intervening intervals, during which the traffic on the river could be carried on, and the economy in the execution of the works would far outbalance any temporary inconvenience which would occur. Some interruption would arise to the passage of fish up the river during the time that the river bed was comparatively dry, but with respect to salmon, the result would be simply that which takes place in all highland rivers to which salmon resort, where in dry seasons they have to wait in the deeper parts of the river for weeks together before a flood occurs which will allow them to pass up to their spawning grounds.

The accurate surveys which I have now obtained, have enabled me to determine more precisely the works required than I could in my report of 1863; in some cases they are more extensive and more costly, and in others less.

I propose to treat Lough Allen in the manner and for the purpose described in my former report, and, in addition to the alterations then projected at Wooden Bridge, to remove a rocky shoal which exists between Wooden Bridge and Battle Bridge; the effect of which is, to inundate a considerable tract of land which lies above it.

At Jamestown I find that I can only keep down the level of the water in the neighbourhood of Carrick-on-Shannon by the entire removal of the existing weir; by constructing a weir and sluices at the lower end of the narrow part of the river as it passes Jamestown; and by deepening the whole of this portion of the river above the sluices to the broadwater above Jamestown Bridge. The top of the weir in its new place must be nearly level with the depth required for navigation; viz., 6 feet above the upper sill of Jamestown Lock, and the whole of the water in floods must be discharged through sluices, which must create the fall required for bringing the water to them by drawing down the surface to below the level of the top of the weir, so as to prevent the water rising in the lakes at Carrick-on-Shannon, more than 6 inches above navigation level.

At Tarmonbarry the embankments and works which were projected for preventing the flooding of the land adjoining the River Camlin, may, by other arrangements, be dispensed with.

Between Roosky and Tarmonbarry it will be better to excavate new channels in various places, than to deepen and widen the old one as first proposed.

Below Athlone also, this will be the best course with respect to the rapid at Derryholmes; and below Banagher, it is found that the opening of the old channels will be a cheaper mode of treating the river than the construction of a new canal, as recommended in my report of 1863.

At Killaloe, in order to secure the free discharge of the water, it is requisite to deepen the bed of the river for some distance below the weir and below the bridge. The removal of the old arches, which I previously recommended, will then be unnecessary.

These are the main variations in the works I projected in 1863.

With respect to Meelick, where some of the most important works have to be constructed, and where the greatest extent of flooded land will be relieved, I may make a few observations. If the old channels were re-opened, as now proposed, and sluices introduced, very considerable relief to the reach immediately above would be afforded, relief which would extend in a diminishing degree to beyond Shannon Bridge, even if no other works were constructed; but the velocity of the stream at Banagher, at Derryholmes, and at Bishop's Islands, would probably be such that the navigation could not be carried on in times of flood without difficulty, and the beneficial effect of the sluices would nearly disappear before we reached Athlone.

By the proposed sluices at Meelick and at the upper ends of the re-opened channels, the surface of the river at Banagher, in such a flood as that of August 1861, would be reduced in level about two feet six inches, or from that to three feet. In order to maintain the same reduction up the river, it is absolutely necessary to enlarge the channel at Derryholmes and Bishop's Island. Even when these are executed, the water at Shannon Bridge cannot be reduced, in such a flood, to more than the corresponding amount at Banagher, viz., two feet six inches or three feet, and this difference will diminish as you ascend to Athlone. The Callows, immediately below Athlone, cannot therefore be secured from inundation on the occasion of a flood of this volume, except by such judicious management of the sluices at Athlone as will anticipate it by rapidly discharging the water at the commencement of heavy rain, and so creating impounding space for moderating the effect afterwards.

In

In this way by discharging water from Lough Ree to the utmost limits within which it can be safely discharged without flooding the land below Athlone before the natural volume of a flood would attain similar dimensions, and by impounding the water in the lough when a flood has increased in volume beyond the limits of safe discharge, it may be that on most occasions all injurious inundation may be avoided, but it will require the execution of all the works which I have laid out, due regard to the interests of the navigation, and judicious management on the part of the sluice-keepers.

By your Lordships' Minute of 21st May 1866, I am restricted to the consideration of the improvements required in the river above World's End; but with this provision, that the results must not injuriously affect the lands or other interests below this point.

To carry out this condition it is essential that no greater volume of water should at any time be sent down the river than would be equal to a flood occurring under the existing state of things. The great extent to which Lough Derg serves as a regulating basin will enable this condition to be complied with if due caution be exercised in discharging water from the lake, and if distinct marks or levels be fixed in the reach between Killaloe and World's End, above which it shall not be lawful to permit the water to rise by any discharge from Lough Derg. When the water reaches this level, it will be the duty of the sluice-keeper at Killaloe to close the sluices to the extent required, to prevent the water rising above the fixed level until the in-coming water overpowers his means of control. This will seldom or never happen if the sluices are properly and judiciously worked, and when it does, it will be in consequence of excessive rain creating a flood beyond that for which provision is made, and when the whole valley above and below Lough Derg, as well as above and below World's End, will be alike affected.

In all cases the lowering of the lakes must be consistent with the interests of the navigation. From the foot of Lough Derg to the head of Lough Ree the depth assumed as necessary for the navigation is seven feet above the upper sills of the locks. From this depth a reduction of a foot may probably be allowed when it is expedient to discharge water in anticipation of a flood.

As respects navigation, the works, if wholly carried out as designed, would effect considerable improvement by reducing the objectionable velocity at Keelogue, at Derryholmes, and at Bishop's Islands, as well as in other places where the waterway is contracted; but in no case has any alteration been proposed with a view to such special improvements. They are the result of works which are required for obtaining channels of sufficient dimensions to carry off the floods without inundating the adjoining land.

The plans, sections, and drawings which I have now the honour of submitting, will show in detail all the works proposed, and the estimate will explain the character and extent of each work. The gross estimated cost is 290,605 *l.*

The interest of this sum will very considerably exceed the estimated annual value of the improvement to be effected, which, according to the valuation of Messrs. Brassington & Gale, and Mr. Lynam, will only amount to 6,113 *l.*

I have prepared a Table showing the area of the land flooded or injuriously affected in each reach, and the cost of the works requisite for relieving the lands from flooding. This Table forms Appendix (A.).

By your Lordship's further instructions, under date of 14th September 1866, I am requested to consider whether, in the event that all the works which may be desired should prove too costly to be undertaken, some improvements could be effected at a reasonable expense, without carrying out the whole.

With reference to this instruction it will be perceived from an examination of the Table just alluded to (Appendix A.), that considerable differences exist in the cost per acre of the works proposed. This arises from the different circumstances of the various reaches of the river. In all cases where it is necessary to widen or deepen the river, the cost of the alterations required, if measured by the relief to be afforded in the same reach, will be greater than the value of the land to be benefitted; but that where the land flooded lies upon the margin of lakes, or upon reaches on the same level, and where the relief to be afforded consists of little more than the introduction of sluices in the weirs at the outlets of those lakes, the cost of the works will not be greater than may be reasonably entertained.

Between Meelick and Athlone, although the works involve a large cost per acre, the navigation will in several places be so improved, and a so much better outlet will be provided for the waters of the River Suck, that some contribution from the parties interested in these improvements might be reasonably looked for; and in this way the cost to the landowner, may perhaps be reduced to a point which will warrant the necessary expenditure.

Thus, although throughout the whole of the river one part is very dependent upon another, there may be certain places at which partial improvements may be effected. The only places, however, in which such partial works could be carried out with anything approaching to safety, having regard to the effect upon the landowners below, are Lough Allen, Jamestown, Athlone, and Killaloe. At Lough Allen much benefit would accrue, and no injury comparatively would be done, by shutting up the floods and discharging them gradually on the cessation of rain. At the three other places the sluice-keeper might be permitted to discharge water by means of the sluices, until the river below attained a level consistent with the preservation of the adjoining land from flooding; then he should gradually close the sluices as the rain increased till, if it were necessary to keep down the water below to the prescribed level, the whole of them should be closed; after which the water passing over the weirs (which would remain of the same discharging power as now) would leave the condition of things as heretofore.

The extent of land which would receive benefit by such partial works it is difficult to compute, for it would only be on the occurrence of slight floods, or during short periods of rain, as continuous rain or heavy floods would soon overpower the means of control. Such partial alterations, therefore, although they would unquestionably confer some benefit, would not entirely or permanently relieve the flooded lands, and they might tend to create false confidence and so lead to occasional loss and disappointment.

I have, &c.
(signed) *John Frederic Bateman.*

APPENDICES TO REPORT.

Appendix (A).

TABLE of FLOODED LAND and COST of proposed WORKS in each REACH of RIVER.

REACH OF RIVER.	Cost of Works proposed, including 10 per Cent. for Contingencies.	Area of Land inundated by Flood of August 1861.	Area of additional Land covered by Winter Floods of 1859-1860.	Area of Land injured by ordinary Winter Floods.	Total Area of flooded and injured Land affected by Proposed Works.	Cost per Acre in each Reach of Works, proposed in each Reach.	Add—Proportion of Cost of Works at Lough Allen to Reaches benefitted thereby.*	TOTAL Cost per Acre in each Reach.
	£.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*
Lough Allen - -	10,136	337	–	51	388			
Lough Allen to Battle Bridge - - -	13,124	520	–	103	623	21 1 $3\frac{1}{2}$	3 9 $6\frac{1}{4}$ +	24 10 $9\frac{3}{4}$
Battle Bridge to Roosky	28,208	2,205	228	561	2,994	9 8 5	2 6 4 +	11 14 9
Roosky to Tarmonbarry	37,724	749	11	130	890	42 7 $8\frac{3}{4}$	1 3 2 +	43 10 $10\frac{3}{4}$
Tarmonbarry to Athlone	23,266	1,107	1,668	636	3,411	6 16 5	- -	6 16 5
Athlone to Meelick -	119,487	6,704	1,185	1,137	9,026	13 4 9	- -	13 4 9
Meelick to Killaloe -	33,813	1,354	3,773	887	6,014	5 12 $5\frac{1}{4}$	- -	5 12 $5\frac{1}{4}$
Killaloe to World's End	24,847	666	479	52	1,197	20 15 $1\frac{1}{2}$	- -	20 15 $1\frac{1}{2}$
TOTALS - -	290,605	13,305	7,344	3,506	24,155	(Mean.) 12 – $7\frac{1}{4}$	- -	(Mean.) 12 – $7\frac{1}{4}$

* The cost of the works at Lough Allen must be charged to the districts below, which will be benefited by the retention of the flood waters in the Lough, and in the proportion to the benefit received; say, in the proportion of three-sixths to each acre of land benefited in the district lying between Lough Allen and Battle Bridge; two-sixths per acre to the land surrounding the lakes below Battle Bridge, and from thence to Roosky; and one-sixth per acre to the land lying between Roosky and Tarmonbarry; or in some such proportion.

J. F. Baateman.

Appendix (B).

DESCRIPTION of WORKS required for securing Lands adjacent to the River against the injurious Effects of Ordinary Winter Floods, and such Extraordinary Summer Floods as occurred in 1861; and ESTIMATE of COST.

LOUGH ALLEN.

Lough to be raised five feet above present summer level by an embankment with two sets of sluices at Ballantra Bridge, each set consisting of eight sluices of 24 feet area each, to be worked by turbine wheels; and new lock at the entrance of the Lough Allen Canal, at Drumshambo.

		£. s. d.	£. s. d.	£. s. d.	£. s. d.
Sluices:					
Piling along upper side of sluices	1,053 cub. ft. - 4 *s.*	210 12 –			
Concrete under sluices and abutments	341 cub. yds. - 15 *s.*	255 15 –			
Ashlar	6,962 cub. ft. - 2 *s.*	696 4 –			
Rubble in mortar, in abutments	123 cub. yds. - 10 *s.*	61 10 –			
Roughly squared paving and pitching	1,397 cub. ft. - 1 *s.*	69 17 –			
Heavy rubble pitching, two feet deep	851 cub. yds. - 8 *s.*	340 8 –			
Ironwork of sluices, and fixing (for particulars, *see* Appendix (C.)	2 sets, at £.700 each	1,400 – –			
Stank, foundations, &c.		200 – –			
			3,234 6 –		
Embankment in continuation of sluices	13,000 cub. yds. - 1 *s.*	– –	650 – –		
Footbridge at Ballantra Outlet of a lake.		– –	200 – –		
New Lock at Entrance of Lough Allen Canal:					
Concrete under sills and side-walls	204 cub. yds. - 15 *s.*	153 – –			
Ashlar	7,324 cub. ft. - 2 *s.*	732 8 –			
Rubble backing	283 cub. yds. - 10 *s.*	141 10 –			
Wing-walls	101 cub. yds. - 14 *s.*	70 14 –			
Squared paving beyond stop-gates	70 sq. yds. - 6 *s.*	21 – –			
Two pairs of gates		80 – –			
Excavation, foundations, &c.		51 8 –			
			1,250 – –		
				5,334 6 –	
Land required round Lough Allen (very little changed from its present condition), 388 Acres, at 10 *l.*				3,880 – –	
				9,214 6 –	
Contingencies, 10 per Cent.				921 14 –	
					10,136 – –
Amount carried forward					£. 10,136 – –

	£. s. d.
Amount brought forward - - -	10,136 – –

Lough Allen to Battle Bridge.

Enlargement and diversion of present river course from sluices at Lough Allen to below Lough Nagaliah:

At Drumherriff (Wooden Bridge):—New stone bridge and excavations in bed of river; and

At Inchagowal:—New foot bridge and excavation in bed of river.

Volume of water provided for:

Lough Allen to Lough Nagaliah, 180,000 cubic feet per minute.

Drumherriff to Battle Bridge, 240,000 cubic feet per minute.

Enlargement and Diversion of present River Course from Sluices at Lough Allen to below Lough Nagaliah:		£. s. d.	£. s. d.	£. s. d.
Excavation - - - -	163,823 cub. yds. - - 9 *d.*	- -	6,143 7 3	
Land for works and spoil -	15 acres at 50 *l.* - -	- -	750 – –	
				6,893 7 3
Drumherriff:				
New Stone Bridge:				
Piers and abutments - -	300 cub. yds. - 16 *s.*	240 – –		
Arches - - - -	245 cub. yds. - 13 *s.*	159 5 –		
Backing to arches - -	177 cub. yds. - 8 *s.*	70 16 –		
Spandrells, pilasters, and wing walls - - - -	230 cub. yds. - 13 *s.*	149 10 –		
Stringcourse - - -	787 cub. ft. - 1 *s.* 6 *d.*	59 – –		
Parapet - - - -	58 cub. yds. - 13 *s.*	37 14 –		
Metalling of roadway - -	76 cub. yds. - 3 *s.* 6 *d.*	13 6 –		
Filling in spandrells - -	160 cub. yds. - 1 *s.*	8 – –		
Embankment or approaches -	1,900 cub. yds. - 1 *s.*	95 – –		
Metalling on embankment -	210 cub. yds. - 3 *s.* 6 *d.*	36 15 –		
Centres, foundations, and sundries - - - -	- - - - -	100 – –		
			969 6 –	
Excavation in River:				
Rock - - - - -	23,178 cub. yds. - 2 *s.* 6 *d.*	2,897 5 –		
Stanks and relieving works from water - - -	- - - - -	230 – –		
			3,127 5 –	
				4,096 11 –
Inchagowal:				
Excavation in Bed of River:				
Excavation—Rock - -	6,562 cub. yds. - 2 *s.* 6 *d.*	820 5 –		
Stanks and relieving works from water - - -	- - - - -	70 – –		
			890 5 –	
New foot bridge - - -	- - - - -	- -	50 – –	
				940 5 –
				11,930 3 3
		Contingencies, 10 per Cent. - - -		1,193 16 9
				13,124 – –
		Amount carried forward - - -	£.	23,260 – –

		£. s. d	£. s. d	£. s. d	£. s. d
				Amount brought forward - - -	23,260 - -

Battle Bridge to Roosky.

At Jamestown:—Removal of existing weir, and erection of four sets of sluices below same, and excavation in bed of river between Jamestown Bridge and sluices.
New weir or top of frame of sluices to be six feet above upper sill of Jamestown Lock.
The flood water to be discharged through the sluices, so as to prevent the water in the lakes rising more than six inches above navigation level.
Volume of water provided for, 350,000 cubic feet per minute.

Erection of additional arch to bridge at Carnadoe, and cleaning out entrance to same.

At Roosky:—Removal of existing weir and substitution of five sets of sluices, with excavation above and below same.
New weir or top of frame of sluices to be same height as present weir, or six feet above upper sill of Roosky Lock.
Depth to which water may be permitted to rise above weir, eight inches.
Volume of water provided for, 400,000 cubic feet per minute.

		£. s. d	£. s. d	£. s. d
Jamestown:				
Removal of existing Weir, and Excavation below Jamestown Bridge:				
Excavation: Rock - -	37,000 cub. yds. - 2 *s.* 6 *d.*	4,625 - -		
„ Gravel - -	33,000 cub. yds. - 1 *s.*	1,650 - -		
			6,275 - -	
Sluices:				
Concrete under sluices and abutments - - -	619 cub. yds. - 15 *s.*	464 5 -		
Ashlar - - - -	9,936 cub. ft. - 2 *s.*	993 12 -		
Blocking facing - - -	84 cub. yds. - 27 *s.*	113 8 -		
Rubble in mortar in abutments - - - -	102 cub. yds. - 8 *s.*	40 16 -		
Sluices, four sets, at 700 *l.* -	- - - -	2,800 - -		
			4,412 1 -	
Stanks, foundations, &c. -	- - - -	- -	600 - -	
Land for spoil, damage only	- - - -	- -	400 - -	
				11,687 1 -
Carnadoe:				
Additional Arch to Bridge:				
Ashlar faced abutment and pilaster - - - -	100 cub. yds. - 18 *s.*	90 - -		
Ashlar springers, quoins, string-course, and parapet -	1,282 cub. ft. - 2 *s.*	128 4 -		
Arch - - - - -	1,360 cub. ft. - 1 *s.* 6 *d.*	102 - -		
Rubble in mortar, backing to arch, &c. - - - -	78 cub. yds. - 10 *s.*	39 - -		
Wing walls faced with blocking (material in present wall to be used) - -	280 cub. yds. - 6 *s.*	84 - -		
Re-setting, &c., string-course and coping - - -	200 cub. ft. - 6 *d.*	5 - -		
Centres, foundations, &c. -	- - - -	50 - -		
			498 4 -	
Excavation at Bridge and in Approaches - - -	1,112 cub. yds. - 1 *s.*	- -	55 12 -	
				553 16 -
Roosky:				
Sluices:				
Concrete under sluices and abutments - - -	769 cub. yds. - 15 *s.*	576 15 -		
Ashlar - - - -	11,875 cub. ft. - 2 *s.*	1,187 10 -		
Blocking facing - - -	105 cub. yds. - 27 *s.*	141 15 -		
Rubble in mortar in abutments	116 cub. yds. - 10 *s.*	58 - -		
Sluices, five sets, at 700 *l.* -	- - - -	3,500 - -		
			5,464 - -	
Excavation above and below sluices, soft material - -	129,579 cub. yds. - 1 *s.*	- -	6,478 19 -	
Diversion of River, stanks, and foundations - - - -	- - - -	- -	500 - -	
Land for spoil, and alterations in River course, 16 acres, at 60 *l.* - - - - -	- - - -	- -	960 - -	
				13,402 19 -
				25,643 16 -
		Contingencies, 10 per Cent. - - -		2,564 4 -
				28,208 - -
		Amount carried forward - - - £.		51,468 - -

	£. s. d.	£. s. d.
Amount brought forward - - -	51,468 – –	

Roosky to Tarmonbarry.

At Clooneen, enlargement of existing channel.

Between Lough Forbes and weir at Tarmonbarry, formation of new channel at Lack, and excavations in bed of river above same; excavation in bed of river above and below bridge; removing solid portion of bridge at island, and substituting an iron-girder bridge, and removing portion of weir at Tarmonbarry, and substituting three sets of sluices with salmon ladder.

New weir, or top of frame of sluices, to be same height as present weir, or six feet above upper sill of Tarmonbarry Lock.

Water to be kept down to top of weir.

Volume of water provided for 500,000 cubic feet per minute.

		£. s. d.	£. s. d.
Clooneen:			
Excavation in widening out existing channel of river, &c., 183,000 cub. yds. at 9*d.* - - - - - - - - - - - -		6,862 10 –	
Land for alterations and for spoil, 11 acres, at 50*l.* - - - - -		550 – –	
			7,412 10 –
Lough Forbes to Weir at Tarmonbarry:			
Excavations:			
New Channel at Lack:		£. s. d.	
Soft material - - -	125,850 cub. yds. - 8*d.*	4,195 – –	
Rock - - - -	100,000 cub. yds. - 2*s.* 6*d.*	12,500 – –	
			16,695 – –
In River above new Channel:			
Soft material - - -	35,000 cub. yds. - 8*d.*	1,166 13 4	
Rock - - - -	4,727 cub. yds. - 2*s.* 6*d.*	590 17 6	
			1,757 10 10
In River above and below Bridge, in removing solid portion of Bridge and portion of Weir, and about Sluices:			
Soft material - - -	45,000 cub. yds. - 8*d.*	1,500 – –	
Rock - - - -	7,737 cub. yds. - 2*s.* 6*d.*	967 2 6	
			2,467 2 6
Sluices:			
Ashlar - - - -	8,075 cub. ft. - - 2*s.*	807 10 –	
Rubble in mortar - -	109 cub. yds. - 8*s.*	43 12 –	
Dry rubble, filling in pier -	23 cub. yds. - 5*s.*	5 15 –	
Sluices, three sets, at 700*l.* -	- - - - -	2,100 – –	
			2,956 17 –
Salmon ladder - - -	- - - - -	- -	200 – –
Additional Opening in Bridge at Island:			
(Wrought-iron girder; span, 94 feet; width of roadway, 17 feet.)			
	Tons. cwts. qrs. lbs.		
Wrought iron - -	44 16 2 0 - at 18*l.*	806 17 –	
Cast iron - - -	1 8 2 10 - at 10*l.*	14 6 –	
Timber flooring - -	1,361 cub. ft. - - 3*s.*	204 3 –	
			1,025 6 –
Land for widening and alterations of river course, and for spoil; 32 acres, at 40*l.* - - - - - -		- -	1,280 – –
Stank at sluices, &c., and sundries - - - - -		- -	500 – –
			26,881 16 4
			34,294 6 4
Contingencies, 10 per Cent. - - -			3,429 13 8
			37,724 – –
Amount carried forward - - - £.			89,192 – –

		£. s. d.	£. s. d.	£. s. d.	£. s. d.
Amount brought forward - - -					89,192 - -
TARMONBARRY TO ATHLONE.					
Excavation or enlargement of River Channel at Lodge Cut, Cloonbearlaw, Erra, Crompawn, Kilnacarrow, and Lanesborough.					
At Athlone—Removal of portion of existing Weir and substitution of three sets of Sluices, and excavation in bed of River adjoining Sluices.					
Top of frame of Sluices to be same height as present Weir, or 6 ft. 9¾ in. above upper sill of Athlone Lock.					
Depth to which water may be permitted to rise above Weir, 8¼ inches.					
Volume of Water provided for:					
Between Tarmonbarry and Lough Ree, 550,000 cubic feet per minute. At Athlone, 450,000 cubic feet per minute.					
Excavation in enlargement of River Channel at—					
Lodge Cut - - - - -	65,817 cub. yds. - 1*s.*	- -	3,290 17 -		
Cloonbearlaw - - -	3,668 cub. yds. - 1*s.*	- -	183 8 -		
Erra - - - - -	14,456 cub. yds. - 1*s.*	- -	722 16 -		
Crompawn - - - -	29,601 cub. yds. - 1*s.*	- -	1,480 1 -		
Kilnacarrow - - - -	22,503 cub. yds. - 1*s.*	- -	1,125 3 -		
Lanesborough - - - -	37,665 cub. yds. - 1*s.*	- -	1,883 5 -		
			8,685 10 -		
Land for widening or altering River Channel and for spoil -	15 acres, at - - 50*l.*	- -	750 - -		
				9,435 10 -	
ATHLONE:					
Sluices:					
Piling at pier, along sluices, and at abutment - -	15,235 cub. ft. - 4*s.*	3,047 - -			
Concrete under pier, sluices, and abutment - - -	1,059 cub. yds. - 15*s.*	794 4 5			
Ashlar - - - - -	13,063 cub. ft. - 2*s.*	1,306 6 -			
Rubble in mortar in pier and abutment - - - -	577 cub. yds. - 10*s.*	278 10 -			
Roughly squared pitching -	4,673 cub. ft. - 1*s.*	233 13 -			
Dry rubble filling in pier -	307 cub. yds. - 6*s.*	92 2 -			
Heavy rubble pitching, 2 ft. deep - - - - -	5,576 cub. yds. - 8*s.*	2,230 8 -			
Sluices, 3 sets at 700*l.* - -	- - - -	2,100 - -			
Stank, &c. - - - - -	- - - -	600 - -			
			10,682 4 -		
Excavation at and adjoining sluices - - - - -	28,000 cub. yds. - 8*d.*	- -	933 6 8		
Land for spoil - - -	- - - -	- -	100 - -		
				11,715 10 8	
				21,151 - 8	
Contingencies, 10 per Cent. - -				2,114 19 4	
					23,266 - -
Amount carried forward - - - £.					112,458 - -

Amount brought forward - - - £. 112,458 - -

Athlone to Meelick.

At Shannon Bridge:—Removal of portion of island above the bridge, and excavation in bed of river at bridge.

At Borniagh:—Enlargement of present cut.

At Bishop's Islands and Derryholmes:—Formation of additional channel and excavation in existing channel.

At Leahinch and Banagher:—Excavations in bed of river.

From Counsellor's Ford to Meelick:—Opening out and enlargement of the two old channels, and erection of three sets of sluices at entrance to each channel:

Top of frame of sluices in each channel to be 9 ft. 6 in. above upper sill of Victoria Lock.
Level of water at Counsellor's Ford to be kept down to 8 ft. 6 in. above upper sill of Victoria Lock.

At Meelick:—Removal of portion of existing weir, and substitution of three sets of sluices, with excavation below same:

Top of frame of sluices to be same height as present weir, or 7 feet above upper sill of Victoria Lock.
Depth to which water may be permitted to rise above weir, 3 inches.

Volume of Water provided for:

Between Athlone and Shannon Bridge, 500,000 cubic feet per minute.

Between Shannon Bridge and junction with Brosna, at Shannon Harbour, 700,000 cubic feet per minute.

Between Shannon Harbour and Meelick, and at Meelick, 900,000 cubic feet per minute.

		£. s. d.	£. s. d.	£. s. d.
Shannon Bridge:				
Removing portion of island above bridge, and excavation in bed of river at bridge - - -	34,474 cub. yds. - - 8 *d.*	- - -	1,115 16 -	
Stank - - - - - -	- - - -	- - -	300 - -	
Land for spoil - - -	- - - -	- -	100 - -	
				1,515 16 -
Borniagh:				
Excavation in enlarging present cut - - - - - -	38,000 cub. yds. - - 8 *d.*	- -	1,266 13 4	
Land for alterations and for spoil	4 acres - - - - - at 50 *l.*	- -	200 - -	
				1,466 13 4
Bishop's Islands:				
Excavation in forming additional channel - - - - -	320,627 cub. yds. - 8 *d.*	10,687 11 4		
Excavation in existing channel -	96,671 cub. yds. - 8 *d.*	3,222 7 4		
			13,909 18 8	
Land for works and spoil -	25 acres - - - at 80 *l.*	- - -	2,000 - -	
				15,909 18 8
Derryholmes:				
Excavation in forming additional channel (rock) - - - -	154,784 cub. yds. - 2 *s.* 6 *d.*	19,348 - -		
Excavation in existing channel (rock) - - - -	39,248 cub. yds. - 2 *s.* 6 *d.*	4,906 - -		
Stanks, &c. - - - -	- - - -	650 - -		
			24,904 - -	
Land for works and spoil -	15 acres - - - at 60 *l.*	- - -	900 - -	
				25,804 - -
Leahinch:				
Dredging in bed of river - -	28,731 cub. yds. - - 6 *d.*	- -	718 5 6	
Land for spoil - - -	- - - -	- -	60 - -	
				778 5 6
Amounts carried forward - - - £.			45,474 13 6	112,458 - -

Athlone to Meelick—*continued.*

		£. s. d.	£ s. d.	£. s. d.	£. s. d.
	Amounts brought forward - - -			45,474 13 6	112,458 – –
BANAGHER:					
Excavation in bed of river -	79,000 cub. yds. - 1 *s.*	– –	3,950 – –		
Stank, &c. - - - - -	- - - - - -	– –	800 – –		
Land for spoil - - -	4 acres at 50 *l.*	– –	200 – –		
				4,950 – –	
COUNSELLOR'S FORD TO MEELICK:					
Excavation in opening out and enlarging two old channels, and in foundations of sluices at entrance to same - -	918,178 cub. yds. - 10 *d.*	– –	38,257 8 4		
Sluices:					
Piling along upper side of sluices - - - - -	2,330 cub. ft. - 4 *s.*	446 – –			
Concrete under sluices and abutments - - - - -	497 cub. yds. - 15 *s.*	372 15 –			
Ashlar - - - - - -	7,172 cub. ft. - 2 *s.*	717 4 –			
Roughly squared paving and pitching - - - - -	2,096 cub. ft. - 1 *s.*	104 16 –			
Heavy rubble pitching 2 feet deep - - - - - -	1,277 cub. yds. - 7 *s.*	446 19 –			
Rubble in mortar in abutments -	107 cub. yds. - 9 *s.*	48 3 –			
Sluices, three sets at 700 *l.* each	- - - - -	2,100 – –			
	Cost of sluices in each channel - - -	4,235 17 –			
	Total cost for both channels - - -	– –	8,471 14 –		
Bridge over new cut and floats -	- - - - - -	– –	1,450 – –		
Stanks, &c. - - - - -	- - - - - -	– –	220 – –		
Land for Works and Spoil:					
91 acres at 50 *l.* - - - -	- - - - - -	4,550 – –			
42 acres (at present swamped in old channels) at 20 *l.* - -	- - - - - -	840 – –			
			5,390 – –		
				53,789 2 4	
MEELICK:					
Excavation:					
Rock cutting and dressing foundations - - - - -	240 cub. yds. - 2 *s.* 6 *d.*	30 – –			
Backing to weir - - -	1,300 cub. yds. - 6 *d.*	32 10 –			
At sluices - - - - -	28,000 cub. yds. - 10 *d.*	1,166 13 4			
(Spoil will go to fill old channels.)			1,229 3 4		
Sluices:					
Concrete under sluices - -	60 cub. yds. - 15 *s.*	45 – –			
Ashlar - - - - - -	8,361 cub. ft. - 2 *s.*	836 2 –			
Rubble in mortar, in pier and abutment - - - -	118 cub. yds. - 8 *s.*	47 4 –			
Dry rubble filling - - -	68 cub. yds. - 5 *s.*	17 – –			
Heavy rubble pitching, 2 feet deep - - - - - -	53 cub. yds. - 6 *s.*	15 18 –			
Sluices, three sets at 700 *l.* -	- - - - -	2,100 – –			
			3,061 4 –		
Stank - - - - - -	- - - - - -	– –	120 – –		
				4,410 7 4	
				108,624 3 2	
	Contingencies, 10 per cent. - - -			10,862 16 10	
					119,487 – –
	Amount carried forward - - - £.				231,945 – –

	£. s. d.
Amount brought forward - - -	231,945 - -

Meelick to Killaloe.

At White's Ford:—Enlargement of channel, and excavation in river.

At Killaloe:—Excavations in bed of river, above and below bridge and proposed sluices; removal of portion of existing weir, and substitution of eight sets of sluices; and construction of embankment and wall along the existing navigation channel, from island at pier head to the weir, and on top of weir to the lock wall.

Top of frame of sluices to be same height as existing weir, or 6 ft. 9 in. above upper sill of Killaloe lock.

Depth to which water may be permitted to rise above weir at sluices, 1 ft. 5 in.

Volume of Water provided for:

Between Meelick and Lough Derg, 1,000,000 cubic feet per minute.

At Killaloe, 1,200,000 cubic feet per minute.

		£. s. d.	£. s. d.	£. s. d.
White's Ford:				
Excavation in enlargement of channel and in bed of river -	50,000 cub. yds. - - 8 *d.*	- -	1,666 13 4	
Land for works, and spoil -	- - - - -	- -	150 - -	
				1,816 13 4
Killaloe:				
Excavations in bed of River, above and below Bridge and Sluices, and in removing portion of existing Weir:				
Rock or hard material -	177,785 cub. yds. - - 2 *s.*	17,778 10 -		
Soft material - - -	59,515 cub. yds. - - 9 *d.*	2,231 16 3		
			20,010 6 3	
Sluices:				
Ashlar - - - -	12,508 cub. ft. - - 2 *s.*	1,250 16 -		
Rubble in mortar and dry rubble filling - - -	239 cub. yds. - - 8 *s.*	95 12 -		
Sluices, 8 sets, at 700 *l.* - -	- - - -	5,600 - -		
			6,946 8 -	
Salmon ladder - - -	- - - -	- -	100 - -	
Embankment and Wall alongside Navigation Channel:				
Embankment:				
Rubble hearting - -	647 cub. yds. - 1 *s.* 6 *d.*	50 11 -		
Pitching on slopes -	600 cub. yds. - - 6 *s.*	180 - -		
Wall:				
Rough ashlar - -	1,266 cub. yds. - 12 *s.*	759 12 -		
			990 3 -	
Temporary diversion of water, &c. - - - - -	- - - -	- -	875 - -	
				28,921 17 3
				30,738 10 7
Contingencies, 10 per cent. - - -				3,074 9 5
				33,813 - -
Amount carried forward - - - £.				265,758 - -

	£.	s.	d.
Amount brought forward - - -	265,758	–	–

Killaloe to World's End.

At Parteen:—Removal of shoal.

At O'Brien's Bridge:—Excavation in bed of river above and below bridge; removal of seven old arches of bridge, and substitution of iron girder bridge.

At World's End:—Excavation in bed of river below weir; removal of existing weir and substitution of 11 sets of sluices.

New weir or top of frame of sluices to be 10 feet above upper sill of Errina Lock.

Water must not be allowed to rise higher than six inches below top of sluice frame.

Volume of water provided for 1,200,000 cubic feet per minute.

		£. s. d.	£. s. d.	£. s. d.
Parteen:				
Excavation in bed of river -	14,333 cub. yds. - 1 *s.*	- -	716 13 –	
Land for spoil - - -	- - - - -	- -	100 – –	
				816 13 –
O'Brien's Bridge:				
Excavation in bed of river above and below bridge - - -	19,564 cub. yds. - 1 *s.*	- -	978 4 –	
Removal of portion of old bridge	- - - - -	- -	250 – –	
Land for spoil - - -	- - - - -	- -	150 – –	
Substitution of iron girder bridge in lieu of seven arches of present bridge (three spans of 70 feet each; width of roadway 15 feet):				
Blocking faced piers, backed with rubble, in mortar -	470 cub. yds. - 16 *s.*	376 – –		
Wrought-iron work - -	75 tons - - 18 *l.*	1,350 – –		
Cast-iron work - -	2¼ „ - - 10 *l.*	22 10 –		
Timber flooring - -	3,029 cub. ft. - 3 *s.*	454 7 –		
Coffer dams - - -	- - - - -	300 – –		
			2,502 17 –	
				3,881 1 –
World's End:				
Excavation in bed of river below weir, and removing weir:				
Rock or loose stone - -	55,725 cub. yds. 2 *s.* 6 *d.*	- -	6,965 12 6	
Sluices:				
Ashlar - - - -	15,866 cub. ft. - 2 *s.*	1,586 12 –		
Rubble in mortar - -	342 cub. yds. - 8 *s.*	136 16 –		
Blocking faced walling in land abutment - - -	170 cub. yds. - 12 *s.*	102 – –		
Sluices - - - -	11 sets at - 700 *l.*	7,700 – –		
			9,525 8 –	
Land for spoil, &c. - -	- - - - - - - -		400 – –	
Temporary diversion of water, &c. - -	- - - - - - - -		1,000 – –	
				17,891 – 6
				22,588 14 6
Contingencies, 10 per cent. - - -				2,258 5 6
				24,847 – –
			£.	290,605 – –

J. F. Bateman.

APPENDIX (C).

Particulars of Estimate for Turbine Wheel and Sluices.

Note.—Each set of sluices consists of one turbine, working eight sluices, of an area of 24 square feet each.

	Tons.	*cwts.*	*qrs.*	*lbs.*		£.	*s.*	*d.*	£.	*s.*	*d.*
Cast Iron Work:											
5 Standards for frames	3	12	3	18							
8 Cross girders between standards at sluices	4	1	0	8							
2 Cross girders between standards at turbine	0	9	1	13							
4 Bed plates for sluices	2	6	0	12							
1 Bed plate for turbine	0	16	3	2							
8 Facing plates for sluices	2	1	3	12							
1 Facing plate for turbine	0	8	1	4							
Frame over turbine	0	17	0	15							
8 Plates for crank shaft	1	16	3	12							
5 Main stops on main shafting	3	10	0	20							
4 Intermediate stops on main shafting	1	10	0	0							
3 Brackets to support standards	0	11	2	8							
	22	2	0	12	at 8 *l.* 10 *s.* per ton	187	17	11			
8 Sluice frames	3	4	2	16							
4 Pairs of sluice valve guides	0	15	3	8							
8 Sluice doors	4	10	2	8							
Turbine box with cylinders and buckets	3	0	0	3							
	11	11	0	7	at 10 *l.* per ton	115	10	8			
16 Bearings for crank shaft	0	18	3	12							
8 Worm wheels on same	2	12	2	8							
8 Worms on main shafting	0	6	2	0							
5 Couplings - ditto	0	5	2	24							
2 Bushes - ditto	0	2	0	22							
2 Bevil wheels - ditto	0	12	0	2							
1 Coupling clutch	0	2	1	10							
1 Bevil wheel on turbine shaft	0	2	0	6							
2 Small standards for lever	0	0	3	10							
1 Column, including hand wheel and sluice door of turbine	0	3	2	25							
Turbine wheel	0	15	3	12							
Bearing of turbine shaft	0	1	3	18							
Orifice of turbine sluice	0	2	2	5							
	6	7	0	14	at 13 *l.* per ton	79	18	9			
									383	7	4
Wrought Iron Work:											
Main shaft	0	14	3	6							
Turbine shaft	0	4	2	3							
8 Crank shafts	2	1	2	8							
Turbine sluice shaft	0	0	2	17							
Main girders for platform	3	6	0	0							
	6	7	2	6	at 18 *l.* per ton	114	15	11			
8 Connecting rods	0	12	0	16							
8 Cranks	1	3	0	8							
Lever for gearing	0	1	1	10							
Railing for platform	0	9	1	10							
Gas piping for rail	1	3	2	4							
Screws and bolts	0	14	3	16							
	3	4	1	8	at 35 *l.* per ton	112	11	3			
									227	7	2
Steel for pins and bolts	0	1	3	8	at 1 *s.* per lb.	-	-	-	10	4	-
Yellow metal for bushes, bearings, and facing of sluice doors	0	6	2	13	at 1 *s.* per lb.	-	-	-	37	1	-
Lead for screws in foundations	0	5	0	0	at 1 *l.* 4 *s.* per cwt.	-	-	-	6	-	-
									663	19	6
					Fixing same and sundries	-	-	-	36	-	6
								£.	700	-	-

J. F. Bateman.

RIVER SHANNON.

COPY of Report by Mr. *J. F. Bateman* on the Inundations of the River Shannon.

(*Mr. Hunt.*)

Ordered, by The House of Commons, *to be Printed*,
20 *June* 1867.

383.

Under 2 *oz.*

327

RETURN to an Order of the Honourable The House of Commons, dated 15 May 1867;—*for,*

COPY

OF

REPORT OF MR. J. LYNAM

ON THE

RIVERS SHANNON AND SUCK.

Treasury Chambers, 15 May 1867.

GEORGE WARD HUNT.

(*Mr. Hunt.*)

Ordered, by The House of Commons, *to be Printed,* 15 *May* 1867.

SHANNON DRAINAGE.

List of Maps furnished with Report, and deposited in the Library of the House of Commons for the use of Members.

Index Map in two parts, showing the River Shannon from Castle Connell to Lough Derg, and from Lough Derg to Lough Allen; scale, one inch to one mile. The Red lines shew the parts of the river where it is proposed to execute Drainage Works; the Blue shade shows the places where the lands are Flooded.

1, 2, 3, 4, 5, 6. Sheets of the Ordnance Maps, scale, six inches to a mile, to show the proposed system of Draining the flooded lands from Castle Connell to Killaloe by embankments, back drains, and syphons; the Blue shade shows the land liable to Autumn floods, and the Yellow, the additional lands liable to Winter floods.

7. Plan of the River at Killaloe, with two longitudinal sections, showing the proposed deepening, and the site of the proposed regulating weir.

8. Cross sections of same.

9. Plan of the River at Meelick, with two longitudinal sections, showing the proposed deepening and widening of the Channel and the site of the proposed Regulating Weir.

10. Cross sections of same.

11. Cross sections of same.

12. Cross sections of same.

13. Plan and sections of the River at Derryholmes.

14. Plan of the River at Bishop's Islands, with soundings, showing the proposed cuttings there.

15, 16. Ordnance Maps on a scale of 6 inches to a mile, showing the proposed improvements above Tarmonbarry.

17. Plan of the River at Roosky.

18. Plan and sections of the River at Jamestown.

19. Plan of the River at Inchanagowil.

20. Plan and sections of the River at Drumherriff.

21 & 22. Ordnance Maps showing the proposed embankments between Galliagh Bridge and Lough Allen.

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SHANNON DRAINAGE VALUATION, made in 1866. ESTIMATE for proposed WORKS, made in 1867. SUMMARY in LEVELS.

Levels of the River.	Area of Lands Damaged. Flooded September 1861.	Area of Lands Damaged. Additional Flooded in Winter.	Saturated.	Total Area of Lands Damaged.	Present Value.	Estimated Increase of Annual Value by the Drainage.	Cost of the Proposed Works. On the Small Scale. To prevent ordinary Autumn Inundations.	Cost of the Proposed Works. On the Large Scale. To prevent extraordinary Autumn Inundations.
	A. R. P.	A. R. P.	A. R. P.	A. R. P.	A. R. P.	£. s. d.	£. s. d.	£. s. d.
Limerick to Castleconnell - - -	Exempted from this Inquiry.							
Castleconnell to Killaloe - - -	641 1 20	472 2 0	36 1 0	1,150 0 20	1,018 14 8	295 8 8	3,984 9 4	3,984 9 4
Killaloe to Meelick - - - -	4,074 0 23	988 3 21	820 2 22	5,883 2 26	3,560 15 4	1,471 13 6	9,555 15 –	20,942 5 –
Meelick to Athlone - - -	6,691 3 21	1,252 0 8	936 0 22	8,880 0 11	6,395 4 6	2,592 1 11	52,882 10 –	82,393 5 –
Athlone to Tarmonbarry - - -	1,164 2 38	1,666 2 23	562 3 20	3,394 1 1	1,956 0 8	575 18 3	4,000 – –	4,000 – –
Tarmonbarry to Roosky - - -	786 0 0	- - -	82 2 0	868 2 0	656 14 0	176 15 3	1,890 – –	6,350 – –
Roosky to Jamestown - - -	1,162 1 9	5 0 0	277 3 20	1,445 0 29	703 18 0	277 10 11	3,200 – –	4,500 – –
Jamestown to Battlebridge - -	983 2 10	140 1 10	269 0 10	1,392 3 30	982 12 6	334 9 –	4,524 – –	4,524 – –
Battlebridge to Lough Allen - -	509 3 9	- - -	89 0 0	598 3 0	429 17 0	203 8 0	4,143 – –	4,143 – –
Lough Allen borders - - -	285 3 30	- - -	46 1 10	332 0 30	192 5 0	89 13 –	Left out. *See* par. 103, p. 25.	
TOTAL - - -	16,299 2 31	4,525 1 12	3,120 2 24	23,945 2 27	15,906 1 8	6,016 18 6	84,179 14 4	130,836 19 4
Add for Contingencies, &c., 10 per Cent. - -							8,417 19 5	13,083 13 11
TOTAL - - - £.							92,597 13 9	143,920 13 3

REPORT to the Lords Commissioners of Her Majesty's Treasury, on the Means of Preventing the AUTUMN INUNDATIONS of the RIVER SHANNON, and of Improving the Outlet of the RIVER SUCK, by *James Lynam*, Esq., C.E.

To the Lords Commissioners of Her Majesty's Treasury.

Raheen Lodge, Ballinasloe,
25 April 1867.

May it please your Lordships,

1. IN obedience to your Lordships' instructions, dated the 21st of May 1866, I have made surveys, plans, and sections of several narrow parts of the River Shannon, which plans and sections, with estimates, are forwarded with this report. The regime of the river, its inundations, their causes, their action on the adjacent low lands, and the means of preventing them, may be considered under three classes, viz.:

2. First.—*Saturation*, caused by small floods, and the remains of large floods slowly subsiding. These occur every year in spring, summer, and autumn. They may be wholly prevented by constructing regulating weirs, composed of a series of flood valves at the falls of the river, instead of the immoveable stone weir-walls there at present.

3. Second.—*Great autumnal floods*, which inundate 16,299 acres of arable pasture and meadow land, and destroy great part of the crop, and injure the remainder.

In the 26 years since 1840, there occurred five great autumn floods, one in the middle of August (1861), one in September (1841), and three in October (1849, 1862, 1863). October floods are frequent, but August floods very rarely occur.

4. The August flood of 1861 was caused by an unusually wet season. According to the registry of rainfall kept at the Queen's College, Galway, by Dr. Arthur Hill Curtis, there fell in the month of July, 6½ inches of rain, and from the 1st to the 12th of August four inches more. All the Shannon lakes were then filled to the level of the land, and some low meadows were covered by six or eight inches of water. On the 14th there fell one inch of rain, and on the 16th an inch; and the water went out over the lands. At the junction of the Suck River with the Shannon, the flood rose at the average rate of four inches a day for 10 days, from the 12th to the 22nd of August, when it was at the highest. The greatest rise in 24 hours was eight inches; the greatest depth on any considerable area of land was 3½ feet, and the greater part of the flooded land was less than two feet under water. From these facts it appears that the Shannon floods are neither high nor sudden, compared with other great rivers; but they are very destructive. The area of land inundated in August 1861, as before stated, was 16,299 acres; and in addition to that, which was actually covered for 21 days, another large area adjoining, was greatly injured by saturation. The value of the damage done to the crops on the lands bordering the Shannon, exceeded 20,000 *l.*, and the damage done to the crops on the lands bordering the River Suck and its tributaries exceeded 30,000 *l.*

5. Every summer and autumn the whole crop on at least 36,000 acres bordering the Shannon and the Suck is liable to be destroyed, and it is certain that every year a great deal of damage will be caused by small floods and by saturation.

6. Third.—*Great winter floods*, which occur every year, cover 20,825 acres of arable, meadow, and pasture land, and saturate 3,120 acres, thus damaging every year 23,945 acres of land in a distance of 150 miles of river Shannon extending through nine counties. The winter floods subside so slowly that the lands re-

main saturated during the greater part of the spring, which prevents the growth of good species of grass, and otherwise greatly injures the land. About 40,000 acres more are damaged by winter floods on the river Suck.

Proposed Works to carry off Autumn Floods.

7. To let off autumn floods of the magnitude of that which occurred in August 1861, and prevent inundations, I propose the following works :—

8. To construct regulating-weirs composed of moveable flood-valves at the falls of Killaloe, Meelick, Athlone, Tarmonbarry, Roosky, and Jamestown, instead of the stone weir-walls there at present.

9. To dredge great portions of the channel, which are very much obstructed with mud, reeds, rushes, and other accumulations of aquatic plants.

10. To widen the river channel at Jamestown, Bishop's Islands, Derryholmes, Meelick, &c., to the extent shown on the accompanying maps and sections.

11. To deepen the channel at Killaloe to the extentshown on the accompanying maps and sections.

12. To embank the river through the low lands from below Killaloe to Castleconnell, and make back drains, syphons, and culverts to carry off the rain water and springs.

13. To improve the Rivers Camlin and Fallon above Tarmonbarry, and make a sluice in the Cloondra mill-dam, and to alter the Cloondra lock gates so as to make them serve as a sluice, and to clear away the islands in the Shannon above Tarmonbarry, as shown on maps Nos.15 and 16.

14. To excavate the shoals at Drumherriff and Inchanagowil so as to effectually drain the flooded lands above these obstructions.

15. The cost of these works, together with incidental expenses, as given in detail in the accompanying estimate, is :—

	£.	s.	d.
For works to carry off the ordinary autumn floods	92,597	13	9
For additional works to carry off extraordinary autumn floods - - - - - -	51,322	19	6
Total - - - £.	143,920	13	3

Saturation.

16. The height of water deemed necessary for steam navigation on the Shannon between Carrick-on-Shannon and Killaloe, 110 miles, is maintained in dry summer weather by six great stone weir-walls, in none of which is there any sluice or flood-gate to let off surplus water. Floods above these weirs subside very slowly. From the 1st of March to the 5th of April 1866 the remains of the previous winter flood subsided but three inches in the district above the great weir-wall at Meelick, while all the lowest lands were covered by four or six inches of water, and very large areas were thoroughly saturated, as the Shannon water kept all the lateral streams and drains full to the level of the surface of the land. In June 1860, in September 1866, and almost every year small floods occur which cover the low portions of the lands, and saturate the remainder, rendering them unfit for pasture, and making it very difficult to get a hay crop dried.

17. The lands so much saturated yield a heavy crop of herbage, but it is very coarse, composed of sedges (carices) yellow loosetrife (lysimachia vulgaris), in the lowest parts, buck bean (menyanthes) ; and on the best soils, immense quantities of meadow sweet (spiræa ulmaria), growing three feet high, and occupying nearly the whole surface of the land.

18. The portions of land 6 or 10 inches higher, and not so continuously saturated,

saturated, though inundated by high floods, are covered with a close clean crop of the best species of grasses; rye grass (lolium perenne), fox tail (alopecurus pratensis), meadow grass (poa pratensis), and that best of horse hay, natural timothy grass (phleum nodosum). Such meadows begin to grow a month earlier than the saturated grasses, are fit to be mown a month earlier, and may be saved and carried off to the haggard before the period of October floods. If those lands hitherto saturated for eight or nine months every year were relieved from such saturation, they would soon become as valuable as the slightly higher lands now are. This could be effectually done by means of the proposed regulating-weirs. The channel of the river is capable of carrying off the quantities of water passing on those occasions, if not so much obstructed by the stone weir-walls.

19. The natural fall of the river from Carrick-on-Shannon to Killaloe in such small floods is 37 feet 9 inches in 110 miles, or four inches per mile, and the following table shows how that fall is distributed:—

20.—

Names of Places.	Falls				Distances.	——
	In the River.		Over the Weirs.			
	Ft.	*Ins.*	*Ft.*	*Ins.*	*Miles.*	*Inches.*
From Carrick-on-Shannon to Jamestown Bridge.	0	9	-	-	5½	1·64
Thence to Jamestown Weir - - -	1	0	-	-	–½	6·00
Fall over Jamestown Weir - - -	-	-	2	4	—	—
Thence to Albert Lock - - - -	1	11	-	-	3½	6·57
Thence to the head of Roosky Fall - -	0	2½	-	-	7	0·36
Thence to Roosky Weir - - - -	0	6	-	-	–¾	4·00
Fall over Roosky Weir - - - -	-	-	1	5	—	—
From Roosky Weir to Tarmonbarry Weir -	2	6	-	-	7½	4·00
Fall over Tarmonbarry Weir - - -	-	-	5	6	—	—
From Tarmonbarry Weir to Lanesboro' -	1	3	-	-	7¼	2·07
Thence to Athlone, head of the Fall - -	0	3	-	-	17½	0·17
Thence to the Weir - - - - -	0	4	-	-	2	2·00
Fall over Athlone Weir - - - -	-	-	2	4	—	—
From Athlone Weir to the River Suck -	0	10½	-	-	15	0·70
Thence to Banagher - - - - -	1	11½	-	-	8	2·94
Thence to Counsellor's Ford - - -	0	9	-	-	2	4·50
Thence to Meelick Weir - - - -	1	1	-	-	2	6·50
Fall over Meelick Navigation and Eel Weirs	-	-	6	8	–½	—
From Meelick to Portumna - - -	0	7	-	-	8	0·87
Thence to Killaloe Pier Head - - -	0	5½	-	-	23¾	0·23
Thence to Killaloe Weir Head - - -	0	3	-	-	–⅙	18·00
Fall over Killaloe Weir, at the head, 2 ft. 6 ins. Fall over Killaloe Weir, at the lower end, 3 ft. 3 ins.	-	-	2	9	—	—
Thence to Killaloe Bridge - - - -	1	1	-	-	–⅙	6·50
Additional fall at Tarmonbarry, left out above to suit the heights of water there, 1 ft. 1 in..	—		—		—	—
TOTAL - - -	15	9	21	0	111	

21. From these figures it is plain that during small floods more than half of the natural fall of the Shannon from Carrick-on-Shannon to Killaloe, 110 miles, is rendered useless by the stone weir-walls.

22. In the great flood of August 1861 the water fell after a few days to the level of the surface of the land, but remained at that height for 24 days in September. If it could have been let off to a foot lower, great part of the crops might have been saved during these 24 days; but it could not, as there were no sluices by which to utilize the falls at the weir-walls; another flood came in the end of September, which remained till the following spring, and the crops were all destroyed. During these 24 days while the crops of 16,000 acres of land were saturated in the waters of the Shannon, and rotting under the eyes of the owners, the river was from two to three feet higher than was warranted or wanted for steam navigation; more than half of the natural fall of the river was rendered useless by, and wasted in, cascades over the weir-walls, and those weirs were the only obstructions preventing the subsidence of the surplus waters.

Regulating Weirs.

23. The regulating weirs I propose, when erected, will render it easy to utilize great part of these cascades without injuriously affecting the navigation. They will be made so strong as to bear five times the greatest pressure that they may be subject to from the water above, and the flood valves will be so balanced, that (if not self-acting) they may be opened and closed with ease. In summer they will be closed, and will maintain with certainty the proper level of the water for navigation. In ordinary wet weather they will be opened more or less, as may be necessary, to let off the surplus water, and keep the surface of the river and its 66,000 acres of lakes down to the navigation level, which is from two to three feet under the surface of the land. By their action the following very useful objects would be accomplished.

24. First.—The remains of great floods would be let off the lands in a few days, either in spring or autumn.

25. Second.—Small floods, which often occur in summer and autumn, would be let off to the sea without doing any injury, and thus all the evils of prolonged saturation of the land would be prevented, which would effect a valuable improvement.

26. Third.—The immense reservoirs naturally afforded by the 66,000 acres of the Shannon lakes would be kept available to receive and retain the influx of sudden rains; this would aid materially in preventing inundations of the land.

27. The capacity of reservoir that may be so prepared is 6,000 millions of cubic feet, and it would have been capable of retaining one-third of the great flood of August 1861 for 15 days, while the other two-thirds would have been passing off at Killaloe, and at the end of those 15 days, the quantity of water passing in the Shannon had actually diminished by one-third; so that if the river channel had been capable of carrying merely two-thirds of the maximum quantity of that flood, the reservoirs in the lakes would have prevented an immense amount of the damage done by that inundation. But that reservoir was not then available. The loughs were filled to the brim by the four inches of rain that had fallen between the 1st and the 12th of August, and the two other falls that occurred on the 14th and 16th, amounting to two inches, caused all the destruction of property.

28. The navigation will not be injuriously affected by the regulating weirs. At Killaloe there is, under present circumstances, a very rapid current which causes much trouble in floods. In winter the fall in the navigation course there is 1 ft. 8 ins. in 2,000 feet. I propose to replace the bank that formerly protected that part of the sailing course, and thus restore a nearly still-water channel. This will render the navigation at Killaloe far better than it has hitherto been.

29. At Meelick also there is in high floods a great current in the new sailing course, but there the old canal is still available, and by it the steamers go up in times of flood, and thus avoid the current in the new navigation. The old canal is foul with weeds, and in some places with gravel, but it may and ought to be dredged. There is a short bend called the elbow in this sailing course, which has

has long been complained of. I propose that it shall be improved. The old lock, called Hamilton's lock, is quite capable of passing the new and improved steamers that do the Shannon trade ; in fact, they do the trade in winter through that lock, and there will be six feet of water on both sills at all times, when it would be necessary to open the regulating-weir. No inconvenience to the navigation can occur from the operation of these weirs at or above Athlone.

30. If at any time when these weirs would be open it might be found necessary to close them for one or two hours, they could be easily closed in a few minutes, and opened again when the exigency would have ceased. The water accumulated above them, when closed, could (for one or two hours out of 24) cause no material damage. At Meelick, it rarely happens that more than two steamers pass in one day, and none ever pass at night. Above Athlone no more than two steamers pass in a month.

31. There is at present a trustworthy man stationed at each fall of the Shannon, who has a house and a salary as lock-keeper. The time of those men is very little occupied, as there is so very little trade. Each of these men could attend to the regulating-weir. It may be made to open and close by self-action, as the water above will rise or fall from the level fixed on, but it will be necessary to place it in the care of a proper person, and the lock-keepers are available for the purpose.

32. Whatever plan may be at any time authorized for preventing the Shannon inundations, regulating weirs, composed of powerful sluices, or flood valves, must be the principal part of it. They will let off more flood-water and do more to improve the land, and prevent injury to the crops, in proportion to their cost, than any amount of excavation can effect, compared with its cost. They will do a great amount of good, without any more excavation than would be necessary to place them at the proper depth. By keeping the water low in small floods, &c., they would render excavations in the river channel more economically done. It has often been stated officially that there is no fall to give those regulating weirs any useful effect; but it is plain from the table, page 7, that there is in small floods a valuable fall. I am prepared to prove before a referee, all that is here stated in favour of their beneficial action. There are different patterns of regulating-weirs in use in Ireland, England, France, and America, even the best of which is most probably capable of being improved to suit the River Shannon. I beg leave, therefore, to propose that two or more patterns of sluices be selected from among those already known, and constructed in one of the Shannon weir-walls early next summer as an experiment. By observing their action and results, a pattern suitable for the Shannon could be found with certainty. The expense of constructing these experimental flood-gates would not exceed 300 *l.*

Steam Dredging.

33. Two efficient steam dredgers, the property of the Board of Works, are lying idle on the Shannon; I propose that these steam dredgers with proper crews, barges, and barge gangs, be kept constantly at work for some years.

34. The channel of the Shannon is very much obstructed with reeds (Arundo Phragmitis), bulrushes (scripus lacustris), and horsetail (Equisetum fluviatile), which grow in such close masses that no water runs through them. In some places they occupy margins 40 feet broad on each side of the river for miles. The margins on which they grow are soft clayey banks, about three feet deep under the water in summer, and six feet deep in winter. I propose to have all those banks dredged out, and thus, for a moderate cost, materially enlarge the channel.

35. There are along the river several still bays, and half-closed old branches, in which to deposit the stuff so dredged.

36. The very curious foreign plant, called by botanists the Anacharis Alcynastrum, is extending its growth to a wonderful extent. Everywhere in the still parts of the Shannon it was to be seen last summer and autumn growing in dense masses from the bottom several feet high ; and when the water fell in

August, immense meadows of it appeared over the surface. It was impossible to pull a boat through it. Great quantities of it are torn from the bottom in rough weather, and it is dragged out of the canals by men. It is a very good manure for cabbage, potatoes, &c. It belongs to the family of plants Hydrocharidea, or water-soldiers. Last autumn its very pretty blue flowers were abundant, floating on the Shannon, attached to long, white, threadlike footstalks. If the growth of this plant should extend for two or three years more as much as it has extended during the last three years, it will occupy a large proportion of the channel, and materially tend to increase the autumn inundations.

Outlet for the River Suck.

37. Your Lordships have ordered that the design for the enlargement of the channel of the River Shannon below the mouth of the River Suck, should be on a scale to render it capable of carrying off not only the autumn floods, such as have hitherto occurred, but also the greater autumn floods that may be expected when the River Suck will have been so far improved as to carry off all the rain and spring-floods of its basin direct to the Shannon, without flooding any of the adjacent lands. It appears from the maps and sections of the River Suck district, which are preserved in the Office of Public Works, that the area of lands bordering the Suck, which are generally inundated, is 14,000 acres, generally covered on an average by two feet of water. The area of land inundated by the streams tributary to the Suck, is 6,000 acres, which are covered on an average one foot deep. On these data, and the rate and quantity of rise of the water, as well as it can be ascertained, I have made a calculation to find at what period of the flood of August 1861, the floods of the Shannon at Banagher, Meelick, and Killaloe, would have been increased, and by what quantity they would have been increased if the River Suck and its tributary streams had then carried off all the flood-water direct to the Shannon without spreading over any land. I have made another calculation of the same nature for the 16,299 acres of lands flooded by the Shannon, at the same time, and which will not be flooded when the Shannon will be improved. The whole of the lands hitherto flooded in autumn by the Shannon, the Suck, and tributary streams, amounting to about 36,000 acres, covered by from four feet to one foot of water, has served as immense reservoirs, and have retarded considerably the flow of flood-waters towards the sea. To prevent all autumn inundations of these lands is to destroy all that immense extent of reservoir, and let all the hitherto reserved water flow direct to the sea. In compensation for that loss there are the great Shannon lakes with an aggregate area of 66,000 acres, which may be utilized by means of the proposed regulating weirs as before described. Hitherto the lakes have not been useful in autumn as reservoirs. On all occasions of inundations the lakes had been previously filled to the brim by previous rains. Such was the case on the 12th of August 1861. On the 25th of last September they were all full to the brim, and if any heavy rainfall had occurred after the 26th of September last, causing a rise of eight or nine inches in the Shannon, the crops on 13,000 acres would have been covered by water. When the channel will have been improved, as now proposed, and the regulating weirs in action, the surface of those lakes may be kept down to the navigation level in all but very wet weather. Then if a sudden fall should occur, those great reservoirs will be available in lieu of the lands hitherto inundated. Having balanced the whole capacity of the reservoir to be destroyed against the capacity of reservoir to be provided, there appears to be a loss of reservoir by the proposed improvements amounting, to 2,344 millions of cubic feet at Meelick, and 2,607 millions at Killaloe. This results from the immense amount of reservoir in the 20,000 acres of flooded lands of the Suck. The effects of this loss of reservoir would be that the floods in the Shannon below the Suck would in future rise faster than hitherto. Each day from the commencement of the flood a portion of the hitherto reserved water would enter the Shannon in addition to the usual quantity, and pass away. At the mouth of the Suck the flood of August 1861 was 11 days rising (from the 11th to the 22nd), when it was at it highest level, and had covered the 36,000 acres on Shannon and Suck. It then began to fall at the rate of 2¾ ins. a day for 13 days, to the 4th of September, when it was off all but the lowest lands. If no lands

lands had been flooded, the highest water would have been four days earlier, and would have been 9 to 12 inches higher than it was under the existing state of the river, or the junction of the Suck and the Shannon.

38. The maximum quantity of water to pass off in the Shannon, when the waters of the Suck will have been regulated, will not exceed the maximum quantity hitherto occurring under similar rainfalls, by so large a proportion as might be at first supposed from seeing the great quantity of reservoir on the flooded lands to be relieved. The largest daily increase in the Shannon river channel from these causes will occur before the Shannon itself will have risen to its maximum.

39. The quantity which passed over Meelick Weir on the 22nd August 1861, calculated by the most approved rule, was 550,000 cubic feet per minute. From the calculations which I have made it appears that the greatest quantity, after the proposed improvements will have been effected, with rainfalls similar to that of August 1861, would be 700,000 cube feet per minute. The channels I have designed will carry that quantity at a level six inches under the lowest land, and 12 inches under the great flats. If the quantity should reach 800,000 cubic feet per minute it can be but for three or four days, and even then only a small area of the lowest land will be saturated, not flooded. On the 10th day after the maximum, the quantity of water passing would have fallen to 602,000 cubic feet per minute, which would pass with the proposed channel and sluices at a level of 12 inches under the surface of the lowest land, and 18 inches under the great plains of meadow land.

40. The flood of August 1861 was an extraordinarily great one as an autumn flood, and judging from the records of floods for many years back, it may be concluded that so large a flood will not occur in August or September more than once in 20 or 30 years; and here arises an important question, whether it would be more discreet, under present circumstances, to expend the very large sum necessary for enlarging the channel sufficiently to carry off the quantity of flood-water passing in such extraordinary autumn floods, which occur but once in 20 or 30 years, and then last for but 12 days, or to enlarge the channel merely sufficient to carry off ordinary autumn floods, which can be done for a considerably lesser sum. In view of this important question, I have made two estimates; one for improving the channel of the river, so that it will carry off ordinary autumn floods without inundating any but a few acres of very low margins of land, which is 92,597 *l.* 13 *s.* 9 *d.*; another estimate for improving the channel, so that it will carry off extraordinary autumn floods, which amounts to 143,920 *l.* 13 *s.* 3 *d.*

41. The extent of the works for the latter, or large scale plan, are delineated on the maps now forwarded to your Lordships.

Castleconnell and Killaloe District.

42. From the Worldsend Weir to O'Brien's Bridge - -	2 miles.
Thence to Parteen Ford - - - - - -	1½ „
Thence to Cussane Lock - - - - - -	1½ „
Thence to Killaloe Bridge - - - - - -	2 „
Total length to Killaloe Bridge -	7 miles.

	A.	R.	P.
The area of land liable to autumn floods is - -	641	1	20
The area of land in addition, liable to winter floods is	472	2	0
The area of land liable to saturation is - - -	36	1	0
Total area of land liable to be damaged in this level	1,150	0	20

The estimated increase in the annual value of these lands that would be caused by relieving them from floods is, 295 *l.* 8 *s.* 8 *d.*

The estimated cost of the proposed works is, 3,984 *l.* 9 *s.* 4 *d.*

43. The Parliamentary height of the water for navigation on the upper sill of Errina, and on the lower sill of Cussane Lock, is six feet, but it falls to 5½ feet by leakage through the weir at Castleconnell, and it rises every year above 13 feet, and in 1857 reached 17 feet, which is 11 feet above the navigation minimum level. Autumn floods covered these lands eight years out of the 30 years, as follows, since the year 1836, inclusive.

1836 - 27th October and succeeding days, slightly.
1839 - 10th September, and remained on the lands till the following March.
1841 - 16th October, remained all the winter.
1843 - 4th June to 18th June only; no flood in autumn.
1849 - 25th October; remained till the following spring.
1861 - 20th August; destroyed the crop.
1862 - 26th October, remained all the winter.
1863 - 8th October, remained shallow.

44. In August 1861 it rose to 13 ft. 6 in. The level of the lower callow lands (excepting a few very low margins) is 11 feet over the same lock sills, so that the flood of August went out over those lands on the 15th and covered them 2½ feet deep on the 23rd, disappeared on the 5th of September, and remained three inches to six inches under the surface till the 25th of September, when there fell one and $\frac{1}{10}$ inch of rain; the flood again went out on the meadows, and remained till the following spring. Most part of the meadow was of the very best quality, worth 6 *l.* an Irish acre, but it was all very much damaged. The falls of the river surface were then as follows:

In the general river 18½ inches in six miles, or three inches per mile - - - - - - - - -	18½	inches
At Parteen Shoal - - - - - - - - -	3	„
At O'Brien's Bridge {in the narrow arches six inches / in the broad arches three inches} mean	4	„
Over the weir at Worldsend - - - - - - - -	9	„
Total fall to the tail of the weir - - - -	34½	inches

	Ft.	*in.*
Fall in the next 500 yards - - - - - - - -	2	0
Fall in - - 400 yards further - - - - - - -	2	3
Fall in - 900 yards - - - - - - - -	4	3

45. To prevent injury from such floods as that of August 1861, the water should be kept down to 10 ft. 6 in. on the Cussan lock gauge, that is, six inches under the surface of the meadows, and three feet under what it was in August 1861. To accomplish this, the water on the upper side of Worldsend weir should be lowered four feet under what it was in August 1861, and that level can be got at the distance of 900 yards below the weir, as I have ascertained, by taking the levels of the surface of the flood-water.

46. To lower the flood-water by deepening the bed of the river, would require to excavate 90,000 cube yards at the weir, nearly all of which is limestone rock; also to erect a regulating-weir 400 feet long; and to improve the waterway at O'Brien's Bridge, the cost of which would exceed 20,000 *l.*, whereas the profit to be derived is estimated at but 295 *l.* per annum.

Embankments.

47. The nature of the land on both sides of the river is remarkably favourable for constructing protective embankments. On the Clare side, the towing-path of the navigation (which autumn floods never cross), extending for four miles, may be at once used as a permanent protecting embankment by building up a few arches under it. From the canal to the weir on that side, the greater part of the natural bank of the river is so high that no autumn flood ever crosses it, and there remains but 136 yards of embankment to be made along the river on the Clare side, and that will never have to bear a pressure of more than three feet deep of water. On the Tipperary and Limerick side of the river also there runs a natural ridge of land by the river for two miles out of 4 ¾ miles,

miles, so that it is necessary to make but 2 ¾ miles of embankment on that side, none of which will have to bear more than three feet deep of water. There are no sand beds and no dangers of leakage under the embankments. The rain-water and springs from the surrounding high lands may be very easily taken up by small catch drains. The streams coming in are very small, not more than four feet broad; the channels can be cleaned and widened, and the removed clay formed into embankments to carry the water to those streams and the drainage of the surrounding high lands into the Shannon at a level in autumn floods of 1 ½ feet to 2 ½ feet over the surface of the land.

48. The owner of the largest area of these lands (and the best of them), Mr. George Twiss, of Bird Hill, has formally stated that the landowners wish to retain the winter floods to manure the meadows.

For this purpose sluices must be constructed in the embankments to let in the water when the crops will have been removed each year.

The Outlet for Backwater.

49. An outlet for the surplus rain-water of the meadow lands must be provided. For the flooded lands of Lackagh, Portcrusha, and Montpellier, in the county of Limerick, this may be easily done by constructing a pipe or small culvert under the river bank at the end of the weir wall, and onwards a distance of 800 yards, to a point where the surface of the flood water is 4 ½ feet lower than the lowest land, one mile and a half upwards, giving a fall of three feet per mile for draining the surplus rain-water of 238 acres of land of an alluvial loamy soil.

50. The surplus rain-water of the flooded land of Errina townland (66 acres), in the county of Clare, may be easily let off by a pipe under the bank of the river, 500 yards long, on the Clare side.

51. The outlet for the remaining lands is at Errina double lock, where there is a fall in mid-flood of 18 feet. From the low water at the tail of that lock a pipe may be built in the slope of the canal for 1,800 yards upwards, to the back drain of the present towing-path in the flooded lands. When the surplus rain-water of the low land will rise to within three feet of the grass, it will pass off through this pipe; another pipe or culvert, 900 yards long, must be made, to connect the two separated parts of the towing-path back drain at O'Brien's Bridge.

52. These works, together with building up the few arches now open under the towing-path, will effectually protect the low lands in the county of Clare up to Cussane Lock, 239 acres.

53. For the Bird Hill and Pollogh Meadows, 387 acres, a syphon 120 yards long must be made under the Shannon on Parteen shoal, to carry off the surplus rain-water and soakage, if any, into the towing-path back drain, whence it will pass off by that drain and the pipe before described to the low water at the tail of Errina Lock. The fall for this drainage will be 16 feet in four miles, or four feet per mile to carry off the surplus rain-water and soakage, if any, from 626 acres of deep alluvial loamy soil during the months of autumn only. The winter floods may be left on the Bird Hill and Pollogh lands by shutting that end of the syphon, and opening sluices, which should be provided in the embankment, to let in the Shannon water. The owners of the Clare and Limerick low lands may admit or keep out the winter floods at pleasure. Some improvement must be made in the drain below Errina Lock, to pass off the additional water proposed to be sent there. A piece of land 13½ acres, in the townland of Moys, above Cussane Lock, will remain unprotected; also in the townlands of Ballina, Roolagh, Garrynatincal, and Cooldornoy, four acres will remain liable to autumn floods, and 53 acres liable to winter floods. The cost of protecting these lands would far exceed their fee-simple value. The island of Inishlisky, 21½ acres, will also remain unprotected.

54. A cheaper means of removing the surplus rain-water and springs from the lands above O'Brien's Bridge would be by steam pumping engines. One engine of six-horse power, placed near Parteen shoal, would effectually drain

the 387 acres of land on that side of the river, and one of four-house power would drain the 157 acres of land above that village in the county of Clare. The lift for the water would never exceed in autumn five feet to pump the drainage of the low lands into the Shannon. The cost of two steam engines and pumps, with the engine house and turf house, would be 750*l.*

The Killaloe and Meelick District.

22 miles of broad deep lake.
9½ miles of broad deep river.
¼ mile of broad river, 7½ feet deep in summer.

55. Besides the flooded lands bordering the Shannon for 31 miles from Killaloe to Meelick, large tracts of land on this level are flooded up each of the following rivers:—

The Scarriff, the Woodford, the Cappagh, the Ballyshrule, the Boulia, the Nenagh, and the Little Brosna.

The area of lands liable to autumn inundations is - -	4,074 acres.
The additional area liable to winter floods is - - -	989½ „
The additional area saturated every winter is - - -	820½ „
Total area of lands injured in this level is - - -	5,884 acres.

	£.	s.	d.
The estimated increase in the annual value of these lands, by relieving them from injurious floods, is - - -	1,471	–	–
The estimated cost of works to prevent ordinary autumn floods is - - - - - - - - -	9,555	15	–
And to prevent extraordinary autumn inundations -	20,942	5	–

56. This district would be better circumstanced than any other on the Shannon by having within it the immense natural reservoir of Lough Derg, containing with the connecting rivers 30,000 acres, if that lake were utilized as a reservoir.

The Parliamentary level of the lake for navigation is 3 feet 3 inches under the surface of the lowest land, which, on the 30,000 acres, gives a reservoir of 4,247 millions of cubic feet, which would have retained one-third of the destructive flood of August 1861 for 11 days, while the other two-thirds would have been passing off at Killaloe.

But that reservoir was not then available; it had been filled to the brim by the rain-falls on the 1st, 4th, 7th, 9th, and 11th of August, and when another rain-fall came on the 14th, the flood went over the lands. Another great fall occurred on the 16th, and the 4,074 acres were covered with water on the 18th. If floods of that magnitude were reduced or lowered two feet at Portumna Bridge, and 2½ feet at Meelick, no land would be flooded. The fall as a cascade over the weir-wall at Killaloe, in floods of that magnitude, is as follows:—

At the upper end of the weir - - - -	1 ft. 11 inches.
At the lower end of the weir - - - -	2 „ 3 „
Mean fall - - - - -	2 „ 2 „

Which is very nearly the amount of fall required.

57. In such floods there is on all the shoals and lock-sills more than nine feet of water, that is three feet more than is either warranted or wanted for steam navigation; therefore, if the Killaloe weir-wall were totally removed from the river in such floods, there would still be seven feet of water on all the shoals and lock-sills; and allowing for loss of fall (by lowering the surface of the current from the weir to the lake), there would be 1 foot 6 inches less water on the meadows at Portumna. Evidently what is required here is a weir that will retain with certainty the proper height of water for navigation in dry summer weather, and that may be moved as much as possible out of the water-way in floods, and leave the least possible obstruction; a weir with the largest practicable

practicable valves, and the thinnest practicable supporting piers. Such a weir may be constructed so that when open to its fullest extent it will occupy no more than three inches of fall, instead of 2 feet 2 inches of fall occupied by the present stone weir-wall, and such a weir would, by having its action well regulated, let off all small floods without injury to the land, and prevent injurious saturation. I therefore propose to construct a regulating weir composed of a line of flood-gates 420 feet long directly across the channel, and to remove the present weir-wall. Also to restore the canal banks so as to protect the navigation from the pier head to the lock, and to dredge the channel as far as practicable above the weir for a length of 200 yards.

58. To carry off extraordinary floods it is necessary to deepen the channel, as shown on the map, and to underpin the piers of seven arches of the bridge.

The Parliamentary Level of the Shannon.

59. On the 18th of October 1831, the Chief Secretary of State for Ireland, now Prime Minister of England, wrote from the Irish Office, London, to Colonel John F. Burgoyne as follows, relative to the River Shannon: "It is thought desirable by the Government that your inquiries should take a wider range, and should take within their scope the benefits which might be expected to result from a judicious expenditure of capital upon the River Shannon, both with reference to the improvement of its navigation, *and also to the reclaiming of vast tracts of land now either inundated periodically by the floods of that river and its tributary streams, or rendered permanently incapable of cultivation from the accumulation of waters which are unable to find a vent*, &c." "You will, after full consideration of the documents already in existence, and after personal inspection, report your opinion of the practicability and advantage of *establishing such a control over the occasional floodings of the Shannon as may tend to a beneficial drainage and reclaiming of the bogs and low lands through which it passes*."

60. In accordance with the instructions in that letter, Colonel Burgoyne wrote detailed instructions, dated 10th November 1831, to Thomas Rhodes, Esq., C.E., in which he stated, among other things, "It is evident that the great key to any system of drainage must be at the falls of Killaloe." Mr. Rhodes made a detailed and accurate survey of that part of the Shannon in 1832. This report, with maps and sections, were printed by Order of the House of Commons in August 1832, paper 731. He proposed to construct a weir at Killaloe, "this weir to be made of such height as to retain in the driest seasons *six* feet of water upon the sill of Killaloe Lock" (*see* Mr. Rhodes' second report, page 64; third report, page 13, and drawings, No. 42), which show the height proposed for the weir at Killaloe, viz., 5 feet 8 inches, allowing four inches deep of water to be passing over in driest summers. Subsequently the Act 5 & 6 Will. 4, c. 67, was passed, and five Commissioners were appointed under its provisions.

61. That Act provided amongst other matters that the Commissioners "shall make out a plan and estimate, with proper plans, maps, drawings and sections, and elevations thereto attached, and describing the said navigation, and the works proper in their judgment to be executed for the clearing and improving of the same, *and for confining the waters thereof, and preventing the inundations of the contiguous lands*." The five Commissioners appointed under that Act made another survey of the Shannon.

Their second report with the maps, &c., was presented to both Houses of Parliament by command of Her Majesty, and printed in 1837.

62. In their report and plans they "determined, after mature consideration, to adopt the general principle suggested by Mr. Rhodes." On their drawing, No. 39, is shown the proper level they proposed for the navigation of Lough Derg, viz., *six* feet over the sill of Killaloe Lock, the same as proposed by Mr. Rhodes.

63. Notwithstanding all this it is a fact that the weir has been built, part 6 feet 9 inches high, part seven feet high, which prevents the water from ever sinking below seven feet on the sill, and in ordinary wet weather throws six

inches of water out over thousands of acres of land, which land would be six inches over water if this weir were only the proper height.

64. Another important fact is to be noticed here. The widening and deepening of the channel at Killaloe has not been completed either to the breadth or depth delineated on the Parliamentary maps; a breadth of 100 feet on the Tipperary side remains there still not cut away, and a depth of six feet remains in the bottom towards the same side not yet excavated. I have ascertained this fact by comparing the map and sections I have recently made of the river, with the map and sections made by the five Commissioners in 1837, and then presented to your Lordships, and subsequently printed by Order of Parliament.

65. If the channel had been excavated to the extent shown on the maps, as was ordered by the Act 2 & 3 Vict. c. 61, s. 1, an immense amount of damage by floods in this division would have been prevented. The far greater part of the crop destroyed in 1861 was covered by no more than one foot of water.

66. The narrowness and shallowness of the channel at those unfinished excavations, together with the extra height put on the weir wall, caused 1 ft. 3 in. of a rise of the flood.

67. Nearly every year small floods occur in summer and autumn, which cover the meadows five to eight inches deep, and do much harm. If the works at Killaloe were finished according to the Parliamentary plans, the water on all such occasions would be six inches under the surface of those lands.

68. In the destructive flood of August 1861, the water was for 24 days in September even with the surface of the land, and kept the hay so saturated that it could not be dried. If the Killaloe Weir were no more than the proper height, the water would have been, during those 24 days, 9 to 12 inches under the surface of the land.

69. It is now necessary to set forth fully and accurately how the navigation, as it at present exists, would be affected if the level of Lough Derg were lowered in dry summer weather to the Parliamentary level.

70. The canal from Killaloe for one mile down to Moys Lock would be too shallow, in consequence of the accumulation of mud and weeds; it may be easily dredged. The little harbour at Drumineer would be shallow, as it is being filled with gravel; it may be easily deepened. There are but two shoals in the 31 miles of sailing course between Killaloe and Meelick, Derry Shoal and White's Ford; on each of these there would be six feet of water. There are five lock sills to be affected. On Moys Lock, upper sill, and on both sills of Killaloe Lock, there would be six feet of water, as proposed by the Commissioners. On the lower sill of Victoria Lock there would be 5 ft. 3 in. By the Parliamentary plans, this sill should be on the same level as the sill of Killaloe Lock, but it is nine inches higher. This was a great mistake in building that lock, but as the improved steam vessels which do the Shannon trade draw but 4½ feet of water when laden and going slowly, they may safely pass with 5 ft. 3 in. on the sill. On the lower sill of Hamilton's Lock there would be but 3½ feet of water, but that lock is never required until the Shannon rises to near the level of the land, viz. 9 ft. 3 in. on Victoria Lock, lower sill, and then it would have 7½ feet of water.

71. It is important to remember that this reduction of level is required only during the driest and fairest weather; the quantity of water passing in the Shannon in winter and in spring would be so great that it could not be kept so low. The object of having the water at that low level in dry summer and autumn weather, is to maintain the greatest possible capacity of the reservoir in Lough Derg to receive and retain part of sudden floods, while the rest would be passing to the sea. The additional foot of depth of the surface of Lough Derg guaranteed by the reports and plans of the five Commissioners, and by the Act of Parliament, would make on the 30,000 acres of water 1,306,000,000 cube feet, which would retain one-third of a great flood for 3½ days, while the other two-thirds would be passing away. This would materially help to prevent inundations of the land, both on this level and on the two lower levels towards Castleconnell and Limerick.

72. I therefore

72. I therefore beg leave to recommend that the summer water may be reduced to the level proposed and recommended by the five Commissioners, delineated on Drawing No. 39, in their second Report, and sanctioned and published by Parliament in 1837, viz., six feet over the upper sill of Killaloe Lock.

73. The Little Brosna River enters the Shannon in this district just below the Victoria Lock. The lower part of this tributary is very deep for 1½ mile, but the upper part is shallow and crooked, and floods some good land for three miles further upwards. It will be necessary to improve the channel of this river, at a cost of 840 *l.*

The Lusmagh River, which enters the Shannon just below Banagher, is affected by the Shannon floods for 4½ miles, and will require to be improved so far. An item for this is inserted in the Estimate of Works for the district from Meelick to Athlone.

The Division from Meelick to Athlone.

27 Miles, all River.

74. This is the most important division of the Shannon, having the greatest area of flooded lands, the greatest obstructions in the river, and the worst outlet.

The area of land liable to autumn inundations is - -	6,692 acres.
The additional area liable to winter floods is - - -	1,252 „
The additional area saturated is - - - - -	936 „
Total area of land injured in this level - - -	8,880 acres.

75. The Parliamentary height of the water, as delineated on the Parliamentary maps, is six feet over the upper sill of Hamilton's Lock in the old canal at Meelick, but the water falls in very dry summers to 5 ft. 5 in., and rises in floods to 10 ft. 10 in. at that lock, and to 16 ft. 4 in. just below Athlone Weir. The great flood of August 1861 was 11 days rising from the level of the lowest lands to its greatest height. The greatest rise in 24 hours at the mouth of the Suck was eight inches. The greatest depth of water on any land was 3 ft. 6 in. near Athlone, but the greater part of the land was no more than two feet under water. The falls of the surface of the water were then as follows:—

Reaches.	Falls.		Distance in Miles.	Fall per Mile.
	Ft.	*ins.*		*Inches.*
From Athlone to the mouth of the Suck -	1	5	15	1·11
Thence to Shannon Harbour - -	2	1	6	4·16
Thence to Banagher - - - -	0	7	2	3·50
Thence to Counsellorsford - - -	1	2	2·25	6·22
Thence to Meelick Weir - - -	2	0	1·90	12·63
			27·15	
Fall over the Navigation and Eel Weirs -	4	9		
Fall between those Weirs - - - -	0	4	0·50	8·00
	12	4		

76. The great surface fall of the stream from Counsellorsford to Meelick Weir shows how small the water-way is there; at one place it is but 250 feet broad at bottom, and eight feet deep in summer. In other places it is but 300 feet broad, and though 400 feet broad in other parts it is there so much choked by thickly-growing masses of reeds and rushes, which grow six feet over water, that there is little better water-way than in the narrow parts. In the natural state of the Shannon there was a second branch of the river between those places, about 250 feet broad, which carried about one-third part of the

flood-water. That channel was stopped by the Shannon Commissioners when improving the river, and it is lost to the drainage. Mr. Rhodes, in the report which he made in 1832, under the directions contained in the then Lord Stanley's letter of the 18th October 1831, proposed to widen one channel to double its sectional area, in order to compensate for the shutting up of the second channel. The five Commissioners, under the Act 5 & 6 Vict. c. 61, proposed the same widening, and delineated it on their map, No. 42, as published by order of Parliament, and they purchased and paid for the land to be cut away. The land remains still not cut away; the river channel is not widened though the second channel is shut up by large embankments. One of those embankments made across the second channel at Kilnascarriff Mill is so irritating a grievance that I must beg leave to solicit attention to it. It is not a part of the plan for the improvement of the Shannon, as drawn up by the five Commissioners, and laid before your Lordships. It is not marked on their plans nor mentioned in their reports; it is of no use whatever to the navigation; it is the sole cause of inundating every year one of the best fattening farms in Ireland. On the 22nd of June 1860, I inspected the place professionally for the lessee of the farm; I saw the flood-water over the grass, but only four to six inches deep, and on going to the other side I saw that the dam or stank was the sole obstruction to the flow of the flood-water; the water on the down-stream side of the dam was five feet lower than on the up-stream side. This led me to read the Shannon Commission Reports, and to examine the Shannon works, and to draw up a memorial pointing out the causes of the inundations, and the means of lessening their duration and extent. That memorial was signed by many landowners, and forwarded to the Lords Commissioners of Her Majesty's Treasury in December 1860, and printed with other papers, on the motion of Colonel French, in June 1861. An immense flood occurred on the following August, which destroyed all the crops on the 16,000 acres of lowlands bordering the Shannon, and all I had set forth in the memorial was proved to be true.

77. Besides the great destruction of crops by occasional great autumn floods, much injury results from long-continued saturation as before described. An instance of this, and of the effect of the sluices in preventing it, was observed last year. From the 1st March to the 5th April 1866, an immense area of land was saturated, and some covered by three to six inches of water, the water subsiding only at the rate of three inches in 36 days. The two sluices of the Victoria Lock were then left open day and night at my request, and in three days the water subsided so far as to leave all the lands dry. The difference of level of the water above and below the sluices was then seven feet. The dimensions of the sluices are about two feet by two feet, and they are much curved in a tunnel through the mason-work of the lock. From this it may be concluded that sluices in the weir wall six feet deep, and amounting to 150 feet in length across the river, with the fall of six feet available there in the middle of great floods, would be of immense value.

78. Two great tributaries join the Shannon in this district. The Brosna, with a rain-basin of 389,000 acres, has been improved under the Arterial Drainage Acts, at a cost of 107,022 *l.*, and all its waters, which formerly flooded 10,000 acres of land, now come down direct to the Shannon. The River Suck, whose basin is 400,000 acres, inundates 20,000 acres of land every year. Your Lordships have ordered that the improvements to be designed for the Shannon shall be sufficient to give an outlet to the floods of the Suck, in order that the drainage of the lands flooded by the Suck may be carried on concurrently with the improvement of the Shannon. This was recommended by the Committee of the House of Lords, in 1865, and prayed for by the landowners in a memorial presented to his Excellency the Lord Lieutenant of Ireland on the 13th of March last.

79. The effects produced in the lower reaches of a river by draining the previously flooded lands in the upper reaches, or those bordering great tributaries, are not yet fully understood or agreed on by engineers; and it is reported to have been said by a high authority, that the freeing of the lands bordering the Suck from floods would not injuriously affect the lands on the lower reaches of the Shannon. In the flood of August 1861, there were about

14,000

14,000 acres of land bordering the Suck River covered, on an average, about two feet deep, and 6,000 acres bordering the streams tributary to the Suck were covered, on an average, one foot deep; the depths of water on these lands varied from 4¼ feet on the lowest to a few inches on the highest. The quantity of water then stored in the basin of the Suck above Pollboy Mill (which is two miles below Ballinasloe) was 1,481 millions cube feet, and it was accumulated in about 14 days, at the average rate of 73,000 cube feet per minute. But far greater accumulations occurred on particular days out of the 14. On the 11th of August, when 1½ inch of rain is registered as having fallen at the Queen's College, Galway; and on the 15th, when a one-inch fall is recorded, great quantities of water must have been stored in the basin of the Suck. If the channels of the Suck and its tributaries had, previous to August 1861, been so improved as to prevent the inundation of the bordering lands, all that 1,481,000,000 cube feet of water would have gone to the Shannon during those 14 days, together with the quantity which did go, and each day from the 9th to the 23rd of August, when the Shannon was highest, a greater quantity would have entered the Shannon from the Suck than actually did enter it. From that day a lesser quantity per day would be supplied by the Suck when improved. If that stored quantity of 1,481,000,000 cube feet, which was gradually accumulated, were suddenly let off by withdrawing or rupturing a barrier, awful consequences would result. If none were stored above, but all let down gradually from the beginning, no such catastrophe could result, because the whole quantity must then have passed off from the basin of the Suck before the 23rd, when the Shannon water was at its highest level, and that highest level of the Shannon in the lower districts could not have been increased by the water stored on the lands bordering the Suck. But the greatest height of the Shannon, instead of occurring on the 23rd, would have occurred some days earlier than it did, and would also have been higher than it was. How much higher the Shannon would have then been had all the waters of the Suck been gradually let down without covering any lands, and on what earlier day the greatest height would have occurred, there does not exist sufficient data to ascertain exactly, but I am able to fix it approximately. In August 1861, the greatest height of water passing over the weir at Meelick was 1 ft. 10 in. on the 23rd and five following days. Had all the water of the Shannon, the Suck, and its tributaries, come down gradually from the beginning of the floods without inundating any lands on either river, the greatest height on that weir would have been on the 17th, or six days earlier than it was, and it would have been 3 inches higher than it was passing over the weir, and six or eight inches higher at the confluence of the two rivers. The quantity of water passing over Meelick Weir on the 23rd August 1861, when the head was 1 ft. 10 in. over the weir, 1,100 feet long, I estimate at 550,000 cube feet per minute, and with the greater head of 3 inches the quantity would be 643,400 cube feet per minute. This is on the supposition that the amount of reservoir available in the lakes under future circumstances would be equal to what it was in August 1861, which it would be, and even greater when properly regulated by the action of the proposed sluice weirs. It is therefore quite safe to take 700,000 cube feet of water per minute as the greatest quantity to be passed off at Meelick in any future autumn flood, when all the lands on the Shannon and Suck will be free from inundation. The River Brosna, entering the Shannon at Shannon Harbour, six miles upwards, has a rain-basin of 389,000 acres, and other streams there entering below it drain 21,000 acres, which together make 410,000 acres, or one-fifth of the rain-basin of the Shannon at Meelick. This reduces the quantity of flood-water to be provided for at Derryholmes to 560,000 cube feet per minute. Such maximum quantities have hitherto lasted no more than six or seven days, and it may be concluded that with the channels and outlets improved as proposed, they will not last more than three or four days, when the quantity passing with unusually wet seasons, such as 1861, will not exceed 530,000 cube feet per minute at Meelick, nor 450,000 at Derryholmes.

The dimensions of the channels shown on the maps and sections at Meelick, Derryholmes, and Bishop's Island, are sufficient to carry the maximum quantities, lasting a few days, six inches under the lowest lands, and to carry the lesser quantities 12 or 15 inches under those lands, and 18 to 24 inches under large

areas. None of the low callows are tilled, nor is it probable they ever will be tilled, and a flood remaining three or four days within four to six inches of the surface of meadows does no damage, though in mowing and making hay the grass would be damaged if the flood-water were within six inches of the surface.

80. The Works necessary for this District are:—

To construct a moveable regulating weir, where there is a suitable site and a good foundation, between Cromwell's Fort and the Ordnance Round Tower, about 1,000 feet below the present weir.

To remove the present weir.

To embank the river from the present weir downwards for 600 yards to the site of the proposed weir by material excavated from its bed.

To widen and deepen the old branch of the river at Kilnascarriff Mill to the extent shown on the maps and sections of that place.

To widen and deepen the river channel at Derryholmes to the extent shown on the maps and sections of that place.

To dredge the channel from Keelogue upwards by Shannon Grove, Banagher, Shannon Harbour, Derryholmes, and Bishop's Islands.

In the work of widening the channel, the lower part of the excavation may be cheaply executed by the steam dredgers.

81. The regulating weir will be built so as to maintain with certainty the the Parliamentary height of the water in dry summer weather, viz., six feet over the upper sill of Hamilton's Lock. This will be a great improvement for the navigation, as under present circumstances the water falls 6 inches under that level in dry summer weather. A further improvement on the navigation channel will be produced by the great widening of the water-way from the present weir upwards. In the flood of August 1861, the fall in 10,000 feet of that channel was two feet. With the channel improved as here proposed, the fall with an equal quantity of water will be but one foot. To carry off extraordinary autumn floods it will be necessary to widen the present river channel to the extent shown on the map, and to enlarge the channel at Bishop's Islands to the extent shown on the map of that part of the river.

ATHLONE AND TARMONBARRY DISTRICT.

82.

From the weir to the canal head	1 mile.
From thence to the lake	1 „
Length of the lake to Lanesboro'	17½ miles.
River from Lanesboro' to Tarmonbarry Weir	7¼ „
The area of land liable to autumn floods is	1,164½ acres.
The additional area liable to winter floods is	1,666½ „
The additional area liable to saturation is	562 „
Total area of land injured by the Shannon in this level	3,393 acres.

The estimated increase in the value of these lands is, 595 *l.* 18 *s.* 3 *d.*

The area of Lough Ree and the approaching rivers is, 27,000 acres.

83. The height of the surface of the lough for navigation is 7 feet over the upper sill of the new lock at Athlone, 6 feet over the lower sill of the new lock at Tarmonbarry, and 5 feet over the lower sill of the old lock of Cloondra; but in consequence of the water used at the Athlone Mill, and the leakage through the Athlone Weir, the surface of the lough falls three inches lower in dry summer weather. The flood of August 1861 was 12 days rising from the level of the general surface of the land 1 ft. 8 in. The greatest rise in 24 hours was 3 inches.

84. The

84. The falls of the surface of the water were then as follows:—

From Tarmon Weir to Lanesboro', 1 ft. 9 in. in 7 miles, or 3 inches per mile.

Thence, to the lower end of Lough Ree, no appreciable fall in calm weather.

Thence to the head of the canal - - 3 inches in 1 mile.

Thence to the weir wall - - - 6 „ in 1 „

Fall over the weir wall - - - 5 inches.

The back water below the weir was 1 ft. 10 in. higher than the weir crest. When the lower division of the river will have been improved by the excavations at Bishop's Island, Derryholmes, and Meelick, the back water below Athlone Weir will be lowered three feet in floods. Then the water just above the weir may be also lowered three feet, that is, from 9 ft. 3 in., what it was on the upper sill in August 1861, to 6 ft. 3 in., which will be sufficiently deep for navigation.

The flooded river, two miles long from Lough Ree to the Athlone Weir, will then have a surface fall of about 15 inches, so that the surface of that lough will be 7½ feet higher than the upper sill of Athlone Lock, which is a foot under the lowest land. The current in the sailing course from the weir to the lake will be increased during high floods, but not to a degree that would cause any serious difficulty for the steam vessels to go up against it. In small floods and in low water, there would not be any increase of current. It is important to bear in mind that at present the trade on the Shannon above Athlone is very small. One steamboat a month does it all. The passing up of a steam-vessel is a remarkable occurrence. There can be, therefore, no difficulty in closing the sluices during the passage of a steamer from the weir to Lough Ree, a distance of two miles, and thus reduce the current to a lesser velocity even than heretofore. No inconvenience could occur to steamers in sailing down.

Improvements.

85. I therefore propose to construct a regulating weir composed of moveable flood-valves, instead of the present weir wall at Athlone, and to adjust it so that it will maintain the level of Lough Ree at the same height as hitherto in driest summer weather, viz., 6 ft. 9 in. over the upper sill of Athlone new lock, and let off the flood waters in autumn, so as to keep the surface of the lake down to 7½ feet, or 8 feet. The surface fall of the river from Tarmonbarry Weir to Lanesboro', seven miles, was, in August 1861, 1 ft. 7 in. except during three stormy days, when it was three inches more. If the surface of the flood water be kept down to nine feet on the lower sill of Tarmonbarry Lock, a few acres only of the very lowest margins of lands will be injured; and as that sill is a foot higher than the upper sill of Athlone Lock, there will be then a fall of 2½ feet for the surface of the river from Tarmon to Lanesboro', 7¼ miles. There are five rather narrow and shallow parts in this distance, being but about 300 feet broad, and amounting together to less than a mile in length. The other six miles of the river channel are generally 500 feet broad, and 10 to 17 feet deep. The lowest summer level of Lough Ree, 6 ft. 9 in. on the upper sill of Athlone new lock, is 1 ft. 9 in. under the general surface of the low lands, and that depth over the 27,000 acres of water is 2,000 millions cube feet. This immense reservoir may, by means of the regulating weir, be kept available in ordinary wet weather, and ready to receive and retain the influx from great floods. It would be capable of retaining one-fourth of the great flood of August 1861, while three-fourths would be passing off for 10 days. These double effects of the regulating weir in keeping down the surface of the great lake in ordinary wet weather, and in letting off the surplus of great floods, are, in my opinion, sufficient to prevent autumn inundations in this division without expensive excavations above Lanesboro'.

TARMONBARRY AND ROOSKY DISTRICT (7¼ Miles).

86. From Tarmonbarry Weir to Lough Forbes - - - 2¼ miles.
Lough Forbes - - - - - - - - 2 „
From Lough Forbes to Roosky Weir - - - - 3 „

The area of land liable to autumn inundations is - - 786 acres.
No additional land is liable to winter floods.
The additional area saturated every winter is - - 82 „

Total area injured by floods in this level - - 868 acres.

	£.	s.	d.
The estimated increase in the annual value of these lands by drainage is - - - -	176	15	3
The estimated cost of the proposed works of drainage to carry off ordinary floods is -	1,890	–	–
To carry off extraordinary autumn floods -	6,350	–	–

87. The features of this district differ from those of all the others.

A branch stream leaves the Shannon at the lower end of Lough Forbes, and after having been joined by two tributaries, re-enters the Shannon three miles downwards. On this branch the greater part of the flooded land of the district lies. The fall on this branch on the 17th December 1866, when the land was all flooded, was 5½ feet, of which 4 ft. 2 in. were occupied by the Clondra flour mill, and 1 ft. 4 in. in bends and rapids below the mill.

IMPROVEMENT WORKS PROPOSED.

88. It is necessary to keep the surface of Lough Forbes in autumn floods down to seven feet over the upper sill of Tarmon Lock. The fall of the river surface from the lake to the weir, 2¼ miles, would be 2½ feet, which would leave the water but 4½ feet deep on the upper sill of Tarmon Lock. When the regulating weir will be in action at Athlone, the autumn flood water will not rise above nine feet on the lower sill of Tarmon Lock, and as the rise of the lock is 8 ft. 7 in., this will give a fall of four feet for the water there. The quantity of water passing in the highest time of the flood of August 1861 was 346,644 cube feet per minute. Flood valves extending 100 feet across the river will let off that quantity with 4½ feet depth and four feet fall. Not more than one passage in a month is made by steamers upwards, and one downwards, in this part of the Shannon. The sluices or great part of them may be closed when a steamer enters Tarmon Lock, and left shut for an hour till she will have passed upwards clear of the current. The lockkeeper may easily learn what day the steamer will return, and he may close the sluices on the morning of that day, and leave them shut till the vessel will have passed through the Tarmon Lock. The sluices may then be opened and left so for a month. This process will have to be repeated but three or four times during the three autumn months, even if a high flood should remain during that time. If this arrangement be objected to, it may be stated in reply as follows :—

89. First.—It is not reasonable to keep an artificial barrier such as the weir-wall across the river, which raises the water more than five feet, and inundates a large area of land for a whole month, to allow one only steam vessel to pass once up with 40 tons of flour, and once down empty.

Second.—That part of the river is not the legal channel for navigation. The legal channel for navigation as recommended by the Shannon Commissioners, delineated on their maps, and sanctioned by the Act of Parliament, is through the old canal and lock of Cloondra, and thence by the Camlin River to Lough Forbes. The old lock and canal will have seven feet of water under the proposed arrangement, and thus the communication between the Shannon and the Royal Canal at Richmond Harbour will remain undisturbed. The old sailing course from the Royal Canal by the Camlin River upwards to Lough Forbes, will

will be made better than it has hitherto been, as it will be cleaned and its banks trimmed, and the shallow parts deepened as described. It is a curious fact that a great part of the trade is still carried on by this channel, rather than by the improved channel in the main river. I saw large boats laden with merchandise from Dublin to Roosky taken up that way last December.

90. The change of the navigation channel from the legal line through the old lock of Cloondra to the River Shannon at this place, was made without any authority or sanction from Parliament or from the Lords of the Treasury.

The District from Roosky to Jamestown (11¼ Miles).

viz., 5¾ miles of lough and 5 ½ miles of river.

91. The area of land liable to autumnal inundations is -	1,162 acres.
The additional area liable to winter floods is - -	5 „
The additional area saturated is - - - - -	278 „
Total area injured by the Shannon in this level	1,445 acres.

	£.	s.	d.
The estimated increase in the annual value of the land is - - - - - - - -	277	10	11
This includes the flooded lands bordering the Carnadoe lakes.			
The estimated cost of the necessary works for drainage is, to carry off ordinary floods - -	3,200	–	–
To carry off extraordinary autumn floods - -	4,500	–	–

92. The level of the water for navigation is six feet on the upper sill of the new lock at Roosky, and the same on the lower sill of the new lock at Jamestown.

The flood of August 1861 rose 2 ft. 2 in. higher at Roosky Lock, and three feet higher at Jamestown Lock. The falls of the surface of the water then were—

From Jamestown Lock to the head of the canal at Roosky, four inches in 10 miles, or less than half an inch a mile, and five inches from the canal head to the weir wall, seven furlongs. The fall over the weir wall was 12 inches. Very little land was covered more than one foot deep with water, so that if the surface of future autumn floods be kept down 18 inches under the level of the flood of August 1861, the crops will be safe. A weir of flood valves constructed in place of the present weir wall at Roosky, with some dredging in the channel, will accomplish this, when the level of flood water below the weir will have been reduced by the flood valves at Tarmonbarry. The area of the lakes of this district, 4,500 acres, will be available as a reservoir.

94. The passage of the flood water over the present weir wall is much obstructed by a fish weir a few feet from it on the down-stream side. The fish weir is composed of stakes and hurdles made close, and it prevents the flood water from passing away from the tail of the weir, making what is called a submerged or drowned weir, and raising the water over the meadows for several miles up stream. That fish weir was built under the authority of the Commissioners of Public Works, who have let the fishing of it on lease for 20 *l.* a year. It is an injury to the lands, and a cause of irritation to the occupiers, who think it a great grievance to see the Commissioners receiving a rent for a fish weir which contributes to the destruction of their crops.

I beg to suggest that this fish weir be immediately removed.

The District from Jamestown to Battlebridge (11½ Miles).

3½ miles of lakes and eight miles of river, nearly all of which is broad and deep.

95. The area of land liable to autumn and winter floods is -	1,124 acres.
The additional area saturated is - - - - -	269 „
The estimated increase in the annual value of the lands by drainage is - - - - - - - -	£. 334 9 *s.*

96. The navigation level of the water is six feet on the upper sill of Jamestown Lock, and the same on the lower sill of Battlebridge Lock, but the floods of August 1861 rose 4 ft. 3 in. higher at Battlebridge, and 2 ft. 10 in. higher at Jamestown Canal.

The falls of the surface of the water were then as follows:—

From Battlebridge Lock to Carrick on Shannon, nine inches in 5½ miles, or 1·63 inch per mile.

From Carrick on Shannon to the head of Jamestown Canal, eight inches in five miles, or 1·60 inch per mile.

Thence to the weir wall 17 inches in half a mile, or 34 inches per mile.

Fall over the weir wall, 12 inches.

Evidently the obstructions are, the weir wall, and the crooked narrow channel from Jamestown Bridge to the weir wall.

97. I propose to construct a weir of flood gates, instead of the present weir wall, and to widen and clean the river channel to the extent shown on the plan and sections of the river at that place. I propose to construct the new weir across the river just below the present weir. In summer it will be quite easy to enclose each half of the channel alternately there, and keep it dry while constructing the weir. In high floods the weir must be all open, and then its piers will be very little more obstruction in any one part of the river than another. If it were built above the bridge, the river would be very shallow between the two demesnes of Jamestown and Charlestown, which would injure the appearance of both, but by constructing it close to the present weir there will be deep water between the two demesnes all the year, and in widening the channel the sheet of water will be increased, and the now unsightly low wet margins will be either cut away or raised, and the appearance of both demesnes will be improved. The mill power will be preserved.

The District from Battlebridge to Lough Allen.

Length 5½ miles of river, with a fall of 22 feet.

98. The area of land frequently flooded in autumn, spring, and winter is - - - - - - - - 509¾ acres
The additional area saturated is - - - - - 89 „

Total area of land injured by the Shannon in this level 598¾ acres.

	£.	s.	d.
The estimated increase in the value of the land is - -	203	8	–
The estimated cost of the necessary works of drainage is	4,143	–	–

This does not include any lands on the River Feorish above the Shannon level.

99. The navigation does not interfere here, and the whole of the natural fall of the river may be used for drainage. The great obstruction is a rock across the River Channel at Drumharriff, and that obstruction is much increased by a bridge built on the highest part of the rock shoal. That bridge is composed of nine piers, each five feet thick, and 10 opes, 8 to 10 feet broad, covered with timber, sods, and gravel, so that one-third of the water-way is occupied by the piers, and this together with the bad shape of the piers so obstructs the passage of floods, as to keep the water on the upper side two feet higher than the water on the down-stream side of the bridge. A channel through the rock shoal may be excavated without any pumping, as there is a fall of nine feet in a distance of half a mile, and the river bed is from 120 to 220 feet broad.

100. This channel is to be 60 feet broad and six feet deep at the crest of the shoal, as shown on the map of that place, and spanned by an iron girder bridge. This will leave the bridge in a far better condition for public traffic than it has hitherto been; but it will still be a very bad roadway, as the approaches are very steep. If the counties of Leitrim and Roscommon resolve to construct a proper bridge on a better site, where good approaches may be made, the proposed bridge may be modified to suit any other approved design.

101. The

101. The bed of the channel from Drumherriff upwards is nearly all either mud or sand, which will be easily cleared out, when the shoal will have been cut through. The foundations of the bridge at Galliagh are very bad, and would cause great expense if the channel were deepened there and upwards. To avoid touching that bridge, I propose to trim the now irregular banks of the river from Galliagh Bridge upwards to Lough Allen, 1,100 yards, and clean the channel, and to form the stuff so got, into low flat embankments on both sides of the river, and to continue the embankment for 600 yards by Lough Allen which will protect all the low lands between the bridge and the lough from floods. To carry off the surplus rain-water, &c., there is already an excellent back-drain on the Roscommon side. A back-drain must be made on the Leitrim side, between the high and the low lands, from the old mill for 900 yards downwards.

The lands injured by the Shannon between Drumherriff rocks and Inchanagowil rocks, 67 acres, may be drained by cutting a channel through the Inchanagowil rock to the breadth and depth shown on the map and sections of the river at that place.

102. Just above Battlebridge there are 17 acres of land flooded in autumn, and 53 acres saturated. When the flood-waters will have been regulated below Battlebridge by the proposed works at Jamestown, these 53 acres will be relieved from saturation, and the 17 acres from autumn floods; but they will not be completely drained in consequence of the obstruction caused by the shoal under Battlebridge. They may be completely drained by cleaning out the channels of the streams (which enter from the high lands), and forming the stuff taken out into broad low embankments, and by making a similar embankment by the Shannon. The rain-water and springs may be carried off by the existing canal back-drain, to within 300 yards of Battlebridge, and thence by a pipe laid in the tail of the canal bank downwards to the tail of the lock, whence it will pass into the Shannon at a sufficiently low level. Length of pipe required 600 yards.

The District around Lough Allen.

103. The area of land subject to autumn and winter inundations is - - - - - - 285 acres.
The area saturated is - - - - - 46 „
The estimated increase in the annual value of these lands by drainage is - - - - 89 *l.* 13*s.*

104. The area of Lough Allen is 8,852 acres.

There is no navigation for trade on Lough Allen. The old canal, 4½ miles long, joining it with the Shannon, is too shallow, and a lock on it at Drumleage is too small to pass any of the trade boats used on the Shannon. The floods rise 3½ feet over the summer level, which makes a reservoir of 1,384 millions cube feet.

105. This immense natural reservoir greatly diminishes the quantity of flood-water in the river downwards at the beginning of floods, and as the area of land to be improved by regulating the water of the lake is so small, I propose to leave it as it has hitherto been.

106. The district from the lough downwards will be easier drained.

The District from Limerick to Castleconnel (8 miles).

107. Your Lordships have exempted the district between Limerick and Castleconnel from this engineering survey.

Conclusion.

108. It will probably appear very strange to your Lordships that the drainage part of the Shannon Improvement Undertaking, as provided for by the Legislature, has so far failed that 16,299 acres of land are still inundated every year, that the crops of that area are every autumn at the mercy of the elements, and that a sum of 92,597 *l.* is still necessary for works to relieve these lands from

ordinary autumn floods. The causes of this signal failure are as follows. First: very large portions of the excavations of the river channel, as delineated on the Parliamentary Plans, still remain to be executed at Limerick, Killaloe, Meelick, Athlone, Tarmonbarry, Roosky, Drumherriff, Bealantra, &c. This abandonment of the works in an unfinished state was not altogether for want of funds, for a large sum of money was invested in the purchase of fisheries, lands, and mills, which were not necessary for either drainage or navigation, and which have been for many years let at rents amounting to more than 1,000 *l.* a-year. The amount of money so invested, with interest for the last 20 years, would pay the cost of completing a large portion of the unfinished excavations.

109. Second: the Killaloe weir-wall was raised 12 inches higher than was necessary for the minimum level of the surface of Lough Derg delineated on the Parliamentary Plan; and the sites of other weirs were changed to places more unfavourable for the drainage than the sites authorised.

110. Third: one of the leading principles on which the system of drainage was founded, though apparently correct in science, was absolutely wrong in practice, viz., making the weirs without sluices, on the idea that the great length given to them by running them obliquely like a half horseshoe down the river would compensate for the want of sluices. In the reasoning which led to this conclusion an important element was omitted, viz., the influence of a narrow channel immediately above the weir. Colonel Sir J. F. Burgoyne expressed a doubt of the efficiency of long weir walls without sluices, in a letter to Sir John Cam Hobhouse in 1832, and added that sluices or falling boards should perhaps be placed in such weirs, but the weirs were subsequently built across the Shannon without any sluice or floodgate in any one of them. Four of these weirs must now be wholly, and two others partly removed, and weirs composed altogether of floodgates must be constructed in order that no part of the natural fall of the river shall be wasted in cataracts at particular places when required to impel the stream. This involves an expense of 20,000 *l.*, which would not be required if proper regulating weirs had been at first constructed.

111. Fourth: the drainage portion of the undertaking was sacrificed in favour of the navigation. If for want of funds it became necessary to omit portions of the work ordered by Parliament to be executed, and an application had been made to Her Majesty's Government to decide whether portions of the drainage works or portions of the navigation works should be omitted, and if the matter had been well considered, it would most probably have been ordered that the drainage works should be completed and portions of the navigation works omitted; because the old locks and canals at Athlone, Tarmonbarry, Roosky, and Jamestown would, with a moderate outlay for repairs and improvements, have been quite sufficient for all the trade then or since, or likely to be on those portions of the river. One steamboat once a month does all the trade there. Thus many thousand pounds might have been appropriated to complete the excavations for drainage as first designed. The works of drainage, if completed, would be worth 6,000 *l.* a year. The works for navigation have not only yielded no return whatever, but the subsequent maintenance of the navigation has cost the public purse more than 1,000 *l.* a year every year since 1850, as appears from the annual returns furnished by the Board of Works.

112. The drainage part of the undertaking would be completed, and the crops on 16,299 acres of land would be secured against destructive inundations if the works had been designed and executed according to the spirit of the instructions on this subject, contained in the letter written to Colonel Burgoyne, Chairman of the Board of Works, in 1831, by the Chief Secretary of Ireland, then Lord Stanley, now the Earl of Derby, as follows: "It is thought desirable by the Government that your inquiries should take a wider range, and should take within their scope the benefits which might be expected to result from a judicious expenditure of capital upon the River Shannon, both with reference to the improvement of its navigation, and also to the reclaiming of vast tracts of land now either inundated periodically by the floods of that river and its tributary streams, or rendered permanently incapable of cultivation from the accumulation of waters which are unable to find a vent, &c."

113. Another

113. Another cause which increases the cost of the necessary works is, that 23 of the rivers tributary to the Shannon have been improved under the Arterial Drainage Acts. The area of land drained by them is 1,690,000 acres, and all the water which formerly spread out over the many thousands of acres of land flooded by those rivers now comes down direct into the Shannon Valley. No improvement whatever has been made in the outlets of the Shannon to compensate for this great additional influx of flood-water.

I have, &c.
(signed) *James Lynam*, C. E.

REPORT

OF

MR. J. LYNAM

ON THE

RIVERS SHANNON AND SUCK.

(*Mr. Hunt.*)

Ordered by The House of Commons, *to be Printed*,
15 *May* 1867.

298. *Under* 3 oz.

TENANTS IMPROVEMENTS COMPENSATION (IRELAND) BILL (1852).

RETURN to an Order of the Honourable The House of Commons, dated 3 April 1867;

"That the Tenants Improvements Compensation (Ireland) Bill of Session 1852 be Reprinted."

(*Mr. Rearden.*)

Ordered, by The House of Commons, *to be Reprinted*, 3 *April* 1867.

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22 JULY 1853.—16 & 17 Vict

A BILL

[AS AMENDED BY THE SELECT COMMITTEE, IN COMMITTEE, AND ON RE-COMMITMENT]

To provide COMPENSATION for IMPROVEMENTS made by TENANTS in IRELAND.

[Note.—*The Clause marked* A. *and the Schedules were added by the Select Committee, and the Clause marked* B. *was added in Committee.*]

Preamble.

WHEREAS it would tend to the improvement and better cultivation of the land if provision were made by the law for securing to Tenants the proper benefit of expenditure, either in capital or labour, made by them on the land in their lawful possession; and it is likewise expedient to provide compensation for Improvement in certain cases for outgoing Tenants: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say:

Glossary.

I. In the construction of this Act the following words and expressions shall have the force and meaning hereby assigned to them, unless there be something in the subject or the context repugnant thereto:

"Person."

The word "Person" or "Party" shall extend to and include any body politic, corporate, or collegiate, whether aggregate or sole, or any public company, as well as a private individual:

"Landlord."

The word "Landlord" shall be construed to mean the person or party for the time being entitled to a vested right to the possession of his Tenant's land immediately on the determination of such Tenant's interest, the person or party in the receipt of the rent payable by such Tenant (including a receiver appointed by the Court of Chancery) being deemed to be rightfully entitled to such vested right; and shall include the person or party entitled as aforesaid at the time of the determination of a Tenancy; and shall also include the person equitably entitled to and in receipt of the rents and profits, whether the interest of such landlord (legal or equitable) shall have been acquired by original contract, lawful assignment, devise, bequest, or Act or operation of law:

"Tenant."

The word "Tenant," unless otherwise restricted, shall be construed to mean a person or party in the actual and lawful occupation of land let for pasture or cultivation, and which shall not have been let for one or two seasons only, or for a special or temporary purpose, but shall be held by such person or party as Tenant from year to year, or for a term of years, absolute or determinable on the dropping of a life or lives, or for a term of life or lives; and shall include the lawful representatives of such Tenant, and generally all parties claiming or deriving title from, through, or under such Tenant by lawful assignment, devise, bequest, or Act or operation of law:

"Owner" The word "Owner" shall imply the landlord in the actual receipt of the rents having an estate in the reversion not less than for the time of his own life, or an unexpired term of sixty years, whether determinable or not on a life or lives:

"Lease." The word "Lease" shall include every instrument in writing, whether under seal or not, containing a contract of Tenancy in respect of any lands, tenements, or hereditaments, for a definite period of time, whether absolute or contingent on some event, or for one or more than one life, in consideration of a rent:

"Rent." The word "Rent" shall include any sum in the nature of rent and payable by way of compensation, for the permissive occupation of any land:

"Assistant Barrister." The expression "Assistant Barrister" shall extend to and include the Recorder of the City of Dublin, and the Chairman of the Sessions of the Peace for the County of Dublin;

"Clerk of the Peace." The expression "Clerk of the Peace" shall extend to and include the Registrar of the Chairman of the Sessions of the Peace of the County of Dublin so long as such Registrar shall continue in office, and the Registrar of Civil Bills for the City of Dublin, and also the acting or deputy clerk of the peace or registrar, or other officer discharging the duties of such clerk of the peace or registrar:

"The Court of Chancery." The expression "the Court of Chancery" shall include any branch of that court, or any officer thereof, to which or to whom the Lord Chancellor for the time being may delegate or appoint any of the duties or powers imposed or conferred by this Act:

"Serve." The word "Serve" shall be construed to mean either personal service, or service on the attorney, agent, bailiff, steward, or receiver of the person to be served, or service by delivery at the place of abode of the person to be served:

"County." The word "County" shall extend to and include a county of a city, and county of a town, and a riding of a county; and where any land shall be situate within one or more district or division, county, or riding, such land shall be deemed for the purposes of this Act to be situate within the district, division, county, or riding within which the greater part of such land shall be situate.

Short Title of Act. II. In citing this Act in other Acts of Parliament, and in legal or other instruments and proceedings, it shall be sufficient to use the expression "The Tenants Improvements Compensation Act (Ireland), 1853."

Persons entitled to improve under the Act. III. Every Tenant as hereinbefore described shall be empowered to claim Compensation for Improvements under this Act.

With respect to the classes of Improvements for which Compensation may be recovered under this Act, be it enacted as follows:

Classes of Improvements. IV. Any Improvements which shall confer the right of Compensation under this Act shall fall within some one or more of the following classes; that is to say:

Farm buildings. 1. The erecting on any lands of any farm-house or building for agricultural purposes suitable to the holding or the enlarging or the extending of any such farm-house or building erected or to be erected thereon, so as to render the same more suitable to the holding: The reclaiming of waste land or cut-out bog ground by converting the same into arable or pasture land:

Boundary fences. 2. The making of any boundary fences:

Farm roads. 3. The making of any farm road:

Compensation not to be allowed in certain Cases. Provided, however, that no right to Compensation shall arise under this Act in respect of any Improvements which shall have been made in pursuance of any contract binding the Tenant to make the same or like Improvements, or which shall have been executed in consideration of any reduction or abatement of rent made

made at the commencement or at any other period of his Tenancy, nor in any case of ground let for building, or let by the foot or other local measurement, calculated upon the extent of frontage to any road or street, or let by measurement, or under provisions denoting that such letting was intended for the purpose of building; nor in any case where lands are let in or for con-acre, for the purpose of cropping or depasturing for one season or two seasons only, or for a special or temporary purpose; nor to any case where any house or other building shall form the principal subject of demise; nor to any case of lands (ordinarily termed "town parks"), adjoining or near to any city or town, which shall bear an increased value, as accommodation land, over and above the ordinary letting value of land occupied as a farm, and shall be in the occupation of a person living in such city or town, or the suburbs thereof; nor to any parks or demesnes; nor for any buildings hereafter to be erected, unless the same shall be erected in a permanent and durable manner, the walls being built of stone and mortar, or brick and mortar, and well covered in with tiles or slates; and when there shall be any dwelling house upon the lands of any Tenant at the time of the service of any notice of Improvements, the building of an additional dwelling house thereon shall not be deemed an Improvement within the meaning of this Act, unless the same shall have been built with the consent in writing of the owner of the land, nor for a second dwelling house in any case where the lands of the Tenant shall not lie all together, unless the owner, before such Improvements shall have been commenced, have consented in writing to the erection thereof; nor for cottages or other buildings erected without the like consent for the purpose of sub-letting, or for any other purpose than the actual occupation thereof by the Tenant; and no compensation shall be allowed for any of the above-mentioned classes of Improvements which were not required for or shall not be suitable to the Tenant's holding; and nothing shall be deemed an Improvement under this Act which shall not have reference solely to an increase of the agricultural value of the holding on which such Improvement shall have been made.

A notice of intended Improvements to be served on Landlord.

V. Every such Tenant intending to avail himself of the benefit of this Act shall fill up a notice according to the appropriate form No. 1, in the Schedule to this Act annexed, and shall, three months previously to the commencement of any Improvements for which Compensation may be claimed under this Act, serve, or cause to be served, on the person actually in receipt of the rent of his holding, or the known agent or receiver of such person, the said notice, or a true copy thereof.

Landlord or owner may undertake to execute the Improvements.

VI. When and so soon as such notice shall have been served, it shall be lawful for the landlord served with such notice, or for any person who shall be an owner of the said lands within the meaning of the "Land Improvement Act (Ireland), 1853," or the known agent of such landlord or owner, at any time within three months from the service of such notice, to serve on the Tenant giving such notice of intended Improvements, a counter notice to the effect that such landlord or owner elects and undertakes to take effectual proceedings to execute the proposed Improvements within three months from the date of such counter notice; and the said landlord or owner, on completing such Improvements proposed by the said notice in a good and sufficient manner, may thereupon charge the said Tenant, his representatives, or assigns, with a yearly sum not exceeding the rate of *five* per cent. in each year on the sum actually and properly expended in making and so completing the said Improvements, and which shall have been ascertained by the declaration of the landlord, in the form No. 2, in the Schedule to this Act annexed, or to the like purport and effect, which declaration shall be signed and declared by him, and a copy thereof served on the Tenant, and be attested, deposited, and registered, and a registry certificate thereof granted, and the contents of such certificate received in evidence, and shall be liable to impeachment on the part of the Tenant, in the manner hereinafter provided in respect of declarations to be signed and declared by Tenants; which said yearly sum shall thenceforth be deemed, and taken to be a part of the yearly rent payable by such Tenant for his said farm, and recoverable by all the ways and remedies available for the recovery of the rent aforesaid, or may otherwise be considered to be a separate and distinct demand, recoverable by Civil Bill process, for each gale, or proportion thereof, which may become due on any gale day as aforesaid after the completion of the said Improvements.

When notice shall not have been served, Tenant may commence his Improvements.

VII. In every case in which the counter notice by the landlord or owner undertaking to execute the Improvements mentioned in the Tenant's notice shall not have been served, or, having been served, shall not have been acted upon, it shall be lawful for such Tenant to commence and execute the proposed Improvements.

Tenant having executed Improvements to make a declaration.

VIII. It shall be lawful for any Tenant, having executed any Improvements as aforesaid, to make a declaration, in the form No. 3, in the Schedule to this Act annexed, or to the like purport and effect, such declaration to be signed and declared by the Tenant, in the presence of the Clerk of the Peace, or of a Justice of the Peace, in and for the county in which such improvements are made, who are respectively required to attest the same without fee or reward; and the said declaration so made shall be deposited with the Clerk of the Peace, and registered by him in a book, which book he is hereby required to provide for the purpose, with an index thereto, such book to be called the "Register of Improvements;" and the Clerk of the Peace shall be entitled to demand and receive a fee of two shillings and sixpence for the deposit and registration of every such declaration; and such Clerk of the Peace shall deliver, without further or other fee, a registry certificate of the said registration to the person making such registry, and shall also deliver a compared and certified copy of such declaration, upon payment of a fee of two shillings and sixpence, and no more; and every such copy purporting to be signed by the said Clerk of the Peace shall be received in any court as evidence of the contents thereof, in the same manner as if the original had been produced and proved: Provided also, that it shall be lawful for any person, at all convenient times, and on payment of a fee of sixpence to such clerk of the peace, to inspect any register and index as aforesaid; and if any clerk of the peace in Ireland shall refuse, or wilfully omit to perform, any act which he is hereby, or by any other provision in this Act contained, required, or directed to do, he shall forfeit and pay to the party thereby aggrieved the sum of five pounds for every such refusal or omission, such sum to be recovered by Civil Bill process before the assistant barrister, in the same manner as if it were a debt due by the person so refusing or omitting to the party thereby aggrieved.

Declaration to be conclusive evidence that the Act has been complied with.

IX. Notice that the declaration has been so registered as aforesaid, and a copy of the said declaration shall be served by the Tenant registering the same on the landlord; and if the landlord does not within six months proceed, as hereinafter mentioned, to impeach such declaration, then it shall be conclusive evidence that the provisions of this Act, as to all preliminary proceedings, have been complied with, and that the Improvements specified in such declaration have been completed: Provided always, that every person affected by such declaration may impeach the same on any ground within six months, and on the ground of fraud within six years from the date of such registry, and that the mode of impeaching such declaration shall be by notice from the landlord, or person affected thereby, to the Tenant, stating the grounds of impeachment, and requiring the Tenant to appear before the assistant barrister of the county or riding, at the next quarter sessions for the district in which the lands are situate, to be held not less than fifteen days thereafter, which notice shall be served on the Tenant fifteen days at least before such quarter sessions; and the said assistant barrister shall hear and determine the said matter, and shall have the power to take evidence upon oath, and to compel the attendance of witnesses, as in other cases; and the said assistant barrister may order the said declaration to be removed from the registry, or any part thereof to be expunged, or make such other order thereon, with reasonable costs, as shall appear to be just; and it shall be competent for any party who has appeared before the assistant barrister to appeal from his decision to the next going judge of assize, if the lands shall be situate elsewhere than in the county or county of the city of Dublin; and if situate in the county or county of the city of Dublin, then to the judge of the Consolidated Nisi Prius Court, Dublin, at the next sitting of said court, first giving to the persons who appeared on the opposite side due notice of his intention to appeal, at least fifteen days before the commencement of said assizes or sitting of said court, provided so many days shall intervene; aud in other cases it shall be lawful for such party to appeal to the next subsequent assizes or sitting of said court, giving a similar notice of appeal.

X. If

Recovery of Compensation in case of eviction.

X. If any landlord or owner, after the registration of such declaration as aforesaid, where such declaration shall not have been successfully impeached, shall proceed by any process of law against such Tenant for the purpose of evicting and shall evict the interest of such Tenant or shall determine his possession in any holding upon which such Improvements shall have been made, on the determination of the Tenancy by effluxion of time or without the act or default of such Tenant, it shall thereupon be lawful for such Tenant to proceed against the landlord or owner so evicting such Tenant, for the recovery of such Compensation as shall be allowed by the provisions of this Act, but subject to such grounds of objection or defence (if any) as are hereafter provided; and in order to ascertain the value of the improvements to be compensated for, and the sum of money to be paid for them, it shall be lawful for any Tenant whose possession shall have been so determined by his landlord, or against whom his landlord shall proceed by any process of law for the purpose of evicting the interest of such Tenant in any holding upon which improvements entitled to Compensation under the provisions of this Act shall have been made, to proceed against the landlord so evicting him for the recovery of the sum due to him on account of such Improvements, when the same shall be ascertained, in the manner following: the Tenant shall serve upon his landlord a notice of claim in writing, which shall state the amount demanded by him as a Compensation for the Improvements duly executed by him, and set forth in his declaration registered as aforesaid, and if, within three months after the service of such notice, the landlord or his agent shall not have agreed in writing to pay the amount claimed, or some other amount in lieu of it which the tenant in writing shall have agreed to accept, or shall not have come to some other agreement in respect to the occupancy of the land upon which such Improvements shall have been made, it shall be lawful for the Tenant to proceed against the landlord or owner so evicting the interest or determining the possession of such Tenant, for the recovery of the amount of his claim or such part thereof as he shall prove to be entitled to, but subject to such grounds of defence (if any), and to such set-off and deductions as are hereafter mentioned, and provided that the Tenant shall in no case be entitled to recover more than the balance of the true and real value of the improvements in their actual condition at the time of the termination of the Tenant's possession after all just and proper deductions and allowances.

Clause B.
For recovery of amount claimed by Tenant.

XI. When the amount claimed by the Tenant as aforesaid shall not exceed forty pounds, the same may be sued for by Civil Bill in the court of the assistant barrister, subject to the like appeal from decree or dismiss, in the same manner and under the same regulations as are at present or may hereafter be in force, in relation to other appeals in Civil Bill actions; and if the amount claimed by the Tenant shall exceed forty pounds, the same shall be sued for by action in any of the superior courts of common law at Dublin.

Landlord's grounds of defence to Tenant's claim under this Act.

XII. In any action or other proceeding brought or taken by any Tenant for any sum to which he shall be entitled as compensation under this Act, it shall be lawful for the landlord against whom such action or other proceeding shall be brought, if necessary, to avail himself of the matter following by way of defence to such claim; that is to say:

> That the Tenant, subsequently to the making of the improvement or expenditure for which he claims compensation, did, without the consent in writing of his landlord, or the known agent or receiver of such landlord duly authorised in that behalf, unlawfully sublet or subdivide all or some part of his holding; and it shall not be necessary for such landlord to produce in evidence or prove the deed or instrument (if any) by which subletting of such holding was made.

Landlord may set-off cross demands.

XIII. In all cases in which the person liable to the payment of any sum of money for Compensation shall be entitled as against the person claiming the same to any cross demand or deduction for or in respect of any dilapidation, want of sufficient repair, waste, or destruction of or in the Improvements for which Compensation is so claimed, or shall be entitled to any arrear of rent due out of such holding, or to any sum or sums of money or damages for or in respect of rates, taxes, or assessments left unpaid by such Tenant, or for or in respect of the breach of any covenant or agreement in respect of such holding which the person claiming such Compensation or the party under whom he derives

derives title was bound to fulfil, it shall be lawful for such person liable to the payment of such sum of money to set off in any action, Civil Bill, and other proceeding for the recovery of such sum of money, the amount of such deduction, rent, sum or sums of money, or damages against the amount to which the person claiming such sum of money shall be entitled; and it shall be competent for the court which shall adjudicate on any such Tenant's claim, at the same time, and by the same decree or judgment or order, to adjudicate on such set-off or cross demand, either by deducting the amount thereof from the claim, or by giving a decree or verdict or order for the defendant, in cases where the amount established as a set-off, or by way of a cross demand, shall exceed the amount which the Tenant is entitled to recover: Provided always, that in Civil Bill proceedings notice of such set-off or cross demand in writing, signed by the defendant or his attorney, shall be given at least six days before the day of the quarter sessions, assizes, or sittings at which the case may be first heard, which notice shall contain the full particulars of such set-off or cross demand, and that in proceedings in the superior courts such set-off or cross demand shall and may be established or relied on in the same way as matters of set-off may be relied on or established by the practice of the superior courts.

Tenant to be entitled to Compensation for Improvements made before the passing of this Act, if evicted.

XIV. That if any Tenant, or those under whom he derives, at any time before the passing of this Act, shall have executed Improvements in his holding coming under any of the classes in this Act before mentioned, as properly required for and suitable to the holding and adding to its letting value for agricultural purposes, and if the landlord for the time being shall proceed by any process of law against such Tenant for the purpose of evicting and shall evict his interest in any holding on which such Improvements shall have been so made, on the determination of the Tenancy by effluxion of time or without the Act or default of such Tenant, it shall be thereupon lawful for such Tenant, subject nevertheless to the provisions hereinafter contained, to make claim against and to recover from such landlord a just and reasonable Compensation for such Improvements according to their actual value; and the like notice of such claim shall be given, and such claim shall be adjudicated upon in the same manner, and shall be subject to the like grounds of defence, cross demands, and deductions, as in the case of claims of Compensation for Improvements to be made after the passing of this Act; and the arbitrators to whom the claim of such Tenant may be referred, or the assistant barrister or judge, shall make their or his award or decree in favour of such Tenant for such reasonable amount of Compensation (if any) as they shall consider him entitled to after all proper deductions and allowances, having due regard to the length of enjoyment of such improvements, the present value of the same to the holding, the expenditure actually made by such Tenant, or by those under whom he derives, in such Improvements, and the other circumstances under which they were made or enjoyed.

And with respect to remuneration to outgoing Tenants, be it enacted as follows:

Tenant, on giving up possession, entitled to remuneration.

XV. In case any landlord shall require his Tenant to give up possession of his holding at the expiration of his then subsisting Tenancy, such Tenant so giving up the possession as required, and at any time within two years after the expiration of his Tenancy (except in the cases hereinafter excepted), and subject to the provisions herein contained, shall be entitled to recover from his landlord for the time being, by a Civil Bill process, a fair and reasonable remuneration in money for and in respect of the several matters following; that is to say:

For the crops in the ground.

For the crop (if any) which such outgoing Tenant has sown in a due course of husbandry, and left in the ground:

Manure.

For the preparation of the ground for crops by tillage and manuring during the last two years of his Tenancy:

Straw and hay.

For the straw, hay, and manure left on the farm:

Growing underwood.

And for growing underwood:

And such claim shall be subject to the like defences and grounds of set-off as in the case of proceedings on foot of a certificate of completion as aforesaid, so far

far as the same shall be applicable; and an appeal may be made from the decision of the assistant barrister in the same way as in other cases is or shall be provided by the statutable enactments regulating the course of Civil Bill proceedings; and it shall be lawful for the landlord, at the hearing of such Civil Bill, either before the assistant barrister or judge on appeal, to set off any amount due to him for arrears of rent, or any amount of rates, taxes, charges, or assessments left unpaid by the Tenant, and to which the holding is liable, against the amount of remuneration to which the Tenant shall be entitled: Provided always, that no such remuneration shall be recovered by any outgoing Tenant, for or in respect of any of the aforesaid subject matters of remuneration, in any case where a special agreement in writing with respect to the same shall have been made by the landlord and Tenant respectively, and shall be proved to the satisfaction of the assistant barrister or judge on appeal, otherwise in accordance with such special agreement.

Clause A. If landlord, after the time when the Tenant could commence Improvements, and before the registration of the declaration, shall proceed to evict Tenant, such Tenant may proceed by Civil Bill process against such landlord for Compensation

XVI. If any landlord or owner, after the time when the Tenant could legally, under the provisions of this Act, commence and execute Improvements, and before the registration of the declaration of Improvements, shall proceed by any process of law against such Tenant for the purpose of evicting and shall evict the interest of such Tenant in any holding in respect whereof notice of Improvement has been served by the Tenant under the provisions of this Act, on the determination of the Tenancy by effluxion of time, or without the act or default of such Tenant, it shall be thereupon lawful for such Tenant to proceed by Civil Bill process, according to the practice of the Civil Bill Court, against such landlord for the purpose of recovering a just and reasonable Compensation for the expenditure, in labour or money, bonâ fide made by such Tenant in such Improvements, pursuant to the provisions of this Act; and the assistant barrister shall, subject to the provisions herein contained, give a decree to him for such amount as he shall be entitled to on its being proved that such Improvements were bonâ fide made, or partly made, by such Tenant, pursuant to the notice as hereinbefore provided, but not exceeding in the whole three years' clear annual letting value of the lands so improved; and such claim shall be subject to the like defences, cross demands, and deductions, as in the case of claims of Compensation for Improvements registered under this Act.

Assistant barristers to settle Schedule of Fees

XVII. The several assistant barristers, or any fifteen of them, within one year after the passing of this Act, shall settle a schedule of fees to be allowed for all proceedings connected with this Act, such costs in no case to exceed Civil Bill costs in ejectment proceedings; and such schedule, when settled, shall be immediately laid before the Lord Chancellor of Ireland for the time being, for his approval, who may allow or disallow the same in whole or in part; and such schedule of fees may be in like manner varied from time to time as occasion may require.

Forms to be provided by the clerk of the peace

XVIII. All forms of notices and declarations required for the purposes of this Act shall be obtained from the office of such clerk of the peace, on payment of a sum of one shilling for each form; and the clerk of the peace for each county shall cause all such printed forms to be prepared on parchment of uniform shape and dimensions, with a sufficient margin.

Schedule part of the Act.

XIX. The Schedule to this Act annexed shall be deemed and taken to be a part of this Act; and the forms therein contained shall be used, save so far as the nature of the case may make it necessary or proper to vary from the same respectively; and no variance or defect, or verbal or technical error therein, or in any notice or document under this Act, not calculated to mislead, shall invalidate or vitiate such proceeding, notice, or document.

Act only to extend to Ireland.

XX. And be it enacted, that this Act shall only extend to lands in Ireland.

SCHEDULE.

No. 1.

I HEREBY give notice that I intend to execute the following Improvements on my holding of , in the townlands and the parish of , in the county of , that is to say [*here describe the Improvements*], and that I have estimated the cost of such Improvement to be as follows:

[*Here give a particular of the estimated expenses of the proposed Improvements.*]

Dated .

Name and residence of Tenant.

To *A. B.*,
Landlord of said holding, and
all other persons concerned.

No. 2.

I [*Name of Landlord*], Landlord of [*Name of Tenant*], holding of me the lands of , in the Parish of , and county of , do hereby solemnly and sincerely declare, that having received a notice from [*the Name of the Tenant*], bearing date the day of , and in the words and figures following [*here insert the notice given by the Tenant*], I have caused to be served on [*here describe the Tenant or other person on whom, and the place where the counter notice has been served*] a counter notice, in the words following [*here set out the counter notice*]; and that I have, in pursuance thereof, expended the sum of £. in executing the following Improvements on the holding of the said [*the Name of the Tenant*]; that is to say:

[*Here describe the Improvements executed.*]

No. 3.

I [*Name of Tenant*], Tenant of [*Name of Landlord*], holding the lands of , in the parish of , and county of , do hereby solemnly and sincerely declare, that I have caused to be served on [*here describe the Landlord or other person on whom the notice has been served*], a notice in the words following [*here set out the notice*], and that I have, in pursuance thereof, duly executed the following Improvements on my said holding; that is to say:

[*Here describe the Improvements executed.*]

TENANTS IMPROVEMENTS COMPENSATION (IRELAND) BILL (1852).

A BILL

AS AMENDED BY THE SELECT COMMITTEE, IN COMMITTEE, AND ON RE-COMMITMENT]

TO PROVIDE

Compensation for Improvements made by Tenants in Ireland.

(*Mr. Rearden.*)

Ordered, by The House of Commons, *to be Re-Printed,*
3 *April* 1867.

o.86.

Under 2 *oz.*

RETURN to an Order of the Honourable The House of Commons, dated 7 June 1867;—*for*,

RETURNS "of the Number of TENEMENTS REVISED in the County of *Roscommon* in the Year 1866:

"And, of the Number of DAYS each REVISOR was occupied in this Revision, and the SALARY Paid to each REVISOR."

RETURN of the Number of TENEMENTS REVISED in the County of *Roscommon* in the Year 1866.

Change of occupancy	2,042
Changes in areas and valuation on the division or consolidation of farms	740
Number of houses down	163
Houses built or improved	80
Gasworks, railways, telegraph lines, &c. revalued	8
TOTAL	3,033

NUMBER of DAYS each REVISOR was occupied in this Revision, and the SALARY paid to each REVISOR.

NAME.	Time Occupied at Revision.	Salary.
		£.
Patrick I. Donnelly	60 days	140
George Innes	53 „	210
Michael Fleming	27 „	145

Observations.—At the close of the Field Revisions, the Revising Officers assist with office duties in preparing the Revised Valuation Lists for the County Treasurers and Boards of Guardians of the several Unions, renewing maps, and in computing the areas of farms that had been striped, or the boundaries otherwise altered since the previous revision.

General Valuation Office, Dublin,
16 July 1867.

Richard Griffith,
Commissioner of Valuation.

TENEMENTS (ROSCOMMON).

RETURNS of the Number of TENEMENTS REVISED in the County of *Roscommon* in the Year 1866; and, of the Number of DAYS each REVISOR was occupied in the Revision, and the SALARY paid to each REVISOR.

(*The O'Conor Don.*)

Ordered, by The House of Commons, *to be Printed,*
30 *July* 1867.

VALUATION (IRELAND).

RETURN to an Order of the Honourable The House of Commons, dated 3 June 1867;—*for*,

RETURNS "of the EXPENDITURE of the GENERAL SURVEY and VALUATION of *Ireland* for each Year from 1860 to 1866, both inclusive; and for each COUNTY, distinguishing the Primary Valuation from the Annual Revision:"

"Of the Numbers and Names of the OFFICERS employed in the Service, with their SALARIES at present and their SALARIES on entering the Service:"

"Of the Amount of RENT paid Yearly from 1860 to 1866 for VALUATOR'S OFFICES, with the Cost of Printing, Stationery, and other incidental Expenses:"

"And, of the Number and Names of the OFFICERS who have Died, or been Superannuated, or Removed from the Service, under the heading 'Abolition of Office,' specifying their Length of Service at the time of their Removal, with Retiring Allowance granted to each."

(*Colonel French.*)

Ordered, by The House of Commons, *to be Printed*,
29 *July* 1867.

RETURN of the EXPENDITURE of the GENERAL SURVEY and VALUATION of *Ireland*,
Primary Valuation from

COUNTIES.	PRIMARY VALUATION.														
	1860.			1861.			1862.			1863.			1864.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Antrim, including Belfast, Borough of.	4,483	17	9	3,551	11	11	1,753	17	3	112	12	3	-		-
Armagh	217	19	1	2	4	7	1,773	-	5	2,013	4	1	3,342	16	-
Carlow	-		-	-		-	-		-	-		-	-		-
Carrickfergus, Town of	17	9	11	103	5	4	57	10	1	-	6	1	-		-
Cavan	-		-	-		-	-		-	-		-	-		-
Clare	-		-	-		-	-		-	-		-	-		-
Cork	-		-	-		-	-		-	-		-	-		-
Cork, City	-		-	-		-	-		-	-		-	-		-
Donegal	-		-	-		-	-		-	-		-	-		-
Down	326	16	10	2,905	16	2	2,402	7	4	4,324	16	6	804	2	8
Drogheda, Town of	-		-	-		-	-		-	-		-	-		-
Dublin	-		-	-		-	-		-	-		-	-		-
Dublin, City	-		-	-		-	-		-	-		-	-		-
Fermanagh	2,008	1	8	2,049	10	4	2,334	3	2	603	5	-	53	17	4
Galway	-		-	-		-	-		-	-		-	-		-
Galway, Town of	-		-	-		-	-		-	-		-	-		-
Kerry	-		-	-		-	-		-	-		-	-		-
Kildare	-		-	-		-	-		-	-		-	-		-
Kilkenny	-		-	-		-	-		-	-		-	-		-
Kilkenny, City	-		-	-		-	-		-	-		-	-		-
King's County	-		-	-		-	-		-	-		-	-		-
Leitrim	-		-	-		-	-		-	-		-	-		-
Limerick	-		-	-		-	-		-	-		-	-		-
Limerick, City	-		-	-		-	-		-	-		-	-		-
Londonderry	-		-	-		-	-		-	-		-	-		-
Longford	-		-	-		-	-		-	-		-	-		-
Louth	-		-	-		-	-		-	-		-	-		-
Mayo	-		-	-		-	-		-	-		-	-		-
Meath	-		-	-		-	-		-	-		-	-		-
Monaghan	1,673	4	2	993	3	4	28	11	6	-		-	-		-
Queen's County	-		-	-		-	-		-	-		-	-		-
Roscommon	-		-	-		-	-		-	-		-	-		-
Sligo	-		-	-		-	-		-	-		-	-		-
Tipperary (North Riding)	-		-	-		-	-		-	-		-	-		-
Tipperary (South Riding)	-		-	-		-	-		-	-		-	-		-
Tyrone	883	9	7	-	16	4	-		-	-		-	-		-
Waterford	-		-	-		-	-		-	-		-	-		-
Waterford, City	-		-	-		-	-		-	-		-	-		-
Westmeath	-		-	-		-	-		-	-		-	-		-
Wexford	-		-	-		-	-		-	-		-	-		-
Wicklow	-		-	-		-	-		-	-		-	-		-

The expenditure incurred in making the annual revisions fluctuates in proportion to the number of changes made by out, the labours of the Revising Officers are necessarily heavy, in ascertaining, measuring, and laying down on the consolidation of farms, the new boundaries have to be determined, and the valuation re-applotted. The Revising since the previous revision, to strike out such as have been removed, and to correct the books and maps according to tion. The cost of the revision also includes the preparation of two copies of the Tenement Valuation of the whole of Commissioners of districts under Local Acts, or the Towns Improvements Act, are supplied with copies of the valuation and reasonable, in proportion to the duties performed, and I am satisfied that the work could not be executed for a One moiety only of the expenses of the annual revisions, as shown above, is charged to the Counties, the remainder

General Valuation Office, Dublin,
16 July 1867.

from 1860 to 1866, both Years inclusive, and for each County; distinguishing the
the Annual Revision.

ANNUAL REVISION.

1860.	1861.	1862.	1863.	1864.	1865.	1866.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
- - -	- -	- -	658 1 1	923 18 3	1,171 17 6	1,086 4 6
- - -	- -	- -	- -	- -	90 2 11	501 1 4
93 5 1	172 13 2	132 9 10	133 17 –	192 10 8	147 19 5	235 7 3
- - -	- -	- -	1 13 1	19 19 1	15 4 9	7 10 9
368 15 3	377 9 8	300 16 4	357 2 10	371 11 –	429 13 8	594 7 6
350 13 8	474 18 –	571 3 6	684 13 2	631 4 4	708 2 11	639 2 1
1,100 6 2	1,029 6 6	1,055 15 7	1,368 4 5	1,650 6 5	1,725 – 7	1,658 3 11
116 13 6	325 17 4	173 11 –	263 9 6	170 8 8	256 4 11	432 4 3
474 14 6	448 3 2	609 10 5	535 15 8	868 11 5	705 4 3	533 13 2
- - -	- -	- -	- -	177 19 5	838 13 5	987 5 7
20 11 3	16 – 1	40 7 3	11 4 8	64 15 7	16 17 7	24 2 11
697 10 9	592 6 2	714 7 10	800 6 –	1,010 1 7	1,089 10 7	1,113 17 5
170 7 9	201 – 1	237 10 2	256 3 –	232 1 11	276 4 1	278 3 5
- - -	- -	- -	- -	319 6 9	430 18 10	548 3 4
759 3 2	755 15 9	755 16 10	823 11 9	909 8 1	1,100 14 6	1,231 15 5
15 1 9	26 4 –	24 14 4	13 8 –	15 3 8	9 19 7	85 5 11
517 – 6	532 2 6	717 10 –	702 – 8	765 19 –	708 15 3	625 9 7
214 – 7	230 19 –	301 6 11	251 19 11	348 – 4	566 6 3	381 1 4
306 3 11	326 13 –	344 6 5	398 19 2	461 11 –	600 3 1	512 16 5
15 12 11	40 4 3	16 4 9	29 10 10	29 10 –	87 17 –	82 15 2
196 13 7	267 12 9	332 12 10	316 – –	291 9 11	398 3 3	395 8 9
267 10 10	325 13 11	368 1 10	247 16 8	410 1 4	425 18 5	467 1 3
297 12 9	432 19 2	571 14 1	524 3 8	669 10 1	618 16 2	673 14 –
24 15 1	164 18 10	176 9 10	84 17 7	46 – 11	73 5 2	130 6 11
484 4 6	288 7 9	340 9 1	510 8 9	379 15 9	490 9 6	570 8 –
226 16 1	154 12 –	185 1 7	154 3 7	264 – 6	338 15 6	324 8 6
205 10 1	229 19 6	244 18 2	329 5 4	557 9 11	176 5 8	386 6 5
583 11 5	717 13 6	852 2 11	878 – 4	994 – 8	1,320 19 8	1,129 13 3
296 9 9	328 19 7	349 11 7	282 16 5	492 11 11	404 1 7	478 11 6
- - -	- -	206 14 9	172 8 2	332 8 10	343 9 3	305 11 3
271 8 5	340 – 6	325 17 2	335 1 8	336 3 6	354 2 3	420 3 –
380 10 8	552 7 7	494 9 1	569 10 –	585 14 5	891 4 11	692 4 1
383 19 3	184 11 9	472 6 8	485 – 5	605 14 1	642 13 7	477 7 3
188 6 6	234 6 6	357 7 10	342 12 8	346 15 6	426 6 4	442 7 6
289 7 11	345 6 –	336 14 9	417 3 1	377 17 3	508 7 7	482 12 2
- - -	464 9 11	484 14 4	599 12 11	548 19 6	718 8 4	714 16 7
262 7 4	239 8 4	336 18 2	395 14 6	466 3 2	508 11 10	517 13 1
28 15 8	35 10 1	49 4 1	72 15 5	51 4 1	86 19 10	83 12 3
217 6 3	342 8 5	286 9 1	286 10 4	214 13 4	386 1 11	309 11 –
273 18 9	315 15 1	446 6 6	345 2 –	627 10 2	409 4 1	564 13 3
210 19 6	251 16 2	270 2 4	280 9 2	324 2 7	308 1 8	382 13 –

proprietors in their estates. In the South and West of Ireland, where the system of "striking" is extensively carried
plans the new farm boundaries, and in re-applotting the valuation of the lands; also, in the ordinary subdivision and
Officers are further required to measure and value all new buildings, re-value those that have undergone any change
the altered state of the country; and until the country becomes more settled the expenses must continue in propor-
Ireland, one for Grand Jury assessments, and the other for Poor Law rating; also the Corporations and Town
of those districts; and, on the whole, I feel justified in stating that the cost chargeable to each County is moderate
much larger sum, except by a department so organised and economically managed as the valuation service of Ireland.
being paid out of the Consolidated Fund.

Richard Griffith,
Commissioner of Valuation.

RETURN of the Numbers and Names of the OFFICERS employed in the Service, with their Salaries at present, and their Salaries on entering the Service.

No.	NAME.	Present Salary. £.	s.	d.	OBSERVATIONS.
	Sir Richard Griffith, Bart.	500	–	–	Commissioner.
	J. Ball Greene	400	–	–	Superintendent.
	Francis Eland	365	–	–	Paymaster and Accountant.
	R. Frederick Shaw	345	–	–	Chief Clerk.
	George Bolton	300	–	–	Solicitor.
	FIRST CLASS:				
1	Ryland Byron	320	–	–	The officers of this Class, with the exception of Mr. Bell, are from 15 to 30 years in the Service; they entered as temporary Assistants, at weekly pay, ranging from 15 *s.* to 30 *s.* Mr. Bell was transferred from being Inspector of Drainage to this Service 12 years ago, and his salary on entering was three guineas a week.
2	Henry M. Duffy	320	–	–	
3	George R. Hitchcock	320	–	–	
4	Henry Hutchings	320	–	–	
5	Thomas Hampton	320	–	–	
6	Robert M'Meiken	365	–	–	
7	George Irwin	320	–	–	
8	George L. M'Cormack	320	–	–	
9	William Scott	320	–	–	
10	Terence Allt	320	–	–	
11	George A. Craig	320	–	–	
12	Robert Bell	340	–	–	
13	William E. Jones	300	–	–	
	SECOND CLASS:				
1	Patrick Conroy	230	–	–	Nineteen of the officers of this Class are Land Surveyors and Valuers, and are principally employed in the field, making the Annual Revisions of the Valuation, at the close of which they assist with the Office duties. All, with the exception of Mr. Thomson, are from 15 to 30 years in the Service, and they entered on weekly pay of from 15 *s.* to 30 *s.* Mr. Thomson entered the Service 11 years ago, at a salary of three guineas a week.
2	John Davis	220	–	–	
3	Philip Rogers	220	–	–	
4	Richard M. Daly	260	–	–	
5	Denis Quinn	220	–	–	
6	Peter F. Carroll	220	–	–	
7	Jeremiah Deane	220	–	–	
8	Francis Mangan	220	–	–	
9	William Doheny	220	–	–	
10	William H. Perrin	220	–	–	
11	William Ryan	220	–	–	
12	Denis M'Elligott	220	–	–	
13	Martin Doyle	220	–	–	
14	John Power	260	–	–	
15	Timothy Moylan	220	–	–	
16	James J. Hurford	220	–	–	
17	Henry Rogers	220	–	–	
18	John Farmer	220	–	–	
19	George Innes	220	–	–	
20	Thomas R. Stephens	220	–	–	
21	John Thomson	260	–	–	
22	George L. O'Keefe	220	–	–	
23	William George Plunkett	200	–	–	
24	Michael Fleming	200	–	–	
	THIRD CLASS:				
1	James Peacocke	145	–	–	All the officers of this Class, except those appointed since the year 1860, entered upon temporary salaries, ranging from 15 *s.* to 30 *s.* a week; those appointed since the above date, commenced at 80 *l.* a year, pursuant to the Regulations of the Treasury.
2	George Rogers	130	–	–	
3	Thomas Hogan	150	–	–	
4	James P. Organ	150	–	–	
5	John Reeves	150	–	–	
6	James Cantwell	150	–	–	
7	Thomas Fallon	150	–	–	
8	Robert Buck	140	–	–	
9	Joseph P. M'Cann	130	–	–	
10	Joseph M'Cann	150	–	–	
11	Arthur Disney	130	–	–	
12	Patrick Maflin	120	–	–	
13	Charles Geoghegan	150	–	–	
14	George W. Marquis	135	–	–	
15	Thade Scanlan	150	–	–	
16	Thomas Shortall	140	–	–	

RETURN of the Numbers and Names of the Officers employed in the Service, &c.—*continued.*

No.	NAME.	Present Salary.	OBSERVATIONS.
	Third Class—*continued.*	£. s. d.	
17	Benjamin Scott	150 – –	All the officers of this Class, except those appointed since the year 1860, entered upon temporary salaries, ranging from 15*s.* to 30*s.* a week; those appointed since the above date commenced at 80*l.* a year, pursuant to the Regulations of the Treasury.
18	James B. Egan	150 – –	
19	Thomas M'Entyre	150 – –	
20	William Bonis	150 – –	
21	Francis P. Jones	140 – –	
22	John Hughes	150 – –	
23	John Hogan	150 – –	
24	John B. B. Yeates	110 – –	
25	Richard Brassington	150 – –	
26	Simon H. Irwin	150 – –	
27	Benjamin Patterson	150 – –	
28	James R. Cooke	110 – –	
29	John Leech	145 – –	
30	Thomas A. Elliott	150 – –	
31	William Porter	150 – –	
32	William J. Morton	150 – –	
33	Thomas J. Penny	150 – –	
34	Robert Mayne	150 – –	
35	Henry W. Hope	150 – –	
36	Edward Walker	110 – –	
37	Thomas Beck	115 – –	
38	George R. Ward	110 – –	
39	George Devenish	150 – –	
40	William S. O'Brien	140 – –	
41	Edward Finneran	140 – –	
42	Thomas Boyan	150 – –	
43	James Moore	110 – –	
44	Thomas J. Gaffney	110 – –	
45	John Mansfield	110 – –	
46	John Van Treight	110 – –	
47	William Brazill	110 – –	
48	John Atkinson	110 – –	
49	George Griffith	110 – –	
50	George J. Irwin, jun.	110 – –	
51	Henry R. M'Guinness	110 – –	
52	William Campbell	85 – –	
53	Henry Bolton	85 – –	
54	King C. M. Barton	85 – –	
55	John Thompson Bleakley	80 – –	
56	William J. M'Cormack	80 – –	
57	William Arthur	80 – –	
58	Henry B. S. Montgomery	80 – –	
59	Thomas Talbot	80 – –	
60	Denis Freeman	80 – –	
61	William George Irwin	80 – –	
62	Robert Bell, jun.	80 – –	
63	(Vacant).		

RETURN of the Amount of RENT paid Yearly from 1860 to 1866, for VALUATOR'S OFFICES, with the Cost of Printing, Stationery, and other Incidental Expenses.

YEARS	Office Rent.	Stationery and Printing.	Office Maintenance and Incidental Expenses.
	£.	£. s. d.	£. s. d.
1860	250	2,643 18 2	88 10 1
1861	250	2,492 13 4	75 1 3
1862	275	1,923 13 1	163 4 9
1863	275	1,635 13 10	124 4 5
1864	275	1,773 1 1	53 8 7
1865	275	533 17 2	113 6 4
1866	275	624 3 5	70 6 1

Note.—The cost of printing the Tenement Valuation is included in the sums charged from 1860 to 1864, when the Primary Valuation was completed, and consequently this charge ceased.

RETURN of the Number and Names of the OFFICERS who have Died or been Superannuated or Removed from the Service, under the Heading "Abolition of Office," specifying their Length of Service at the time of their Removal, with Retiring Allowances granted to each.

DATE.	NAMES.	Length of Service.	Retiring Allowances fixed by the Treasury.	OBSERVATIONS.
		Years.	£. s. d.	
1 May 1860	Denis Freeman	33	143 – –	
	John Boyan	26	135 12 8	
	James Leeson	25	108 6 8	Since dead.
	John Montgomery	31	56 16 8	
	Patrick Gauly	30	55 – –	
	Thomas M'Cormack	25	65 – –	Since dead.
	Thomas Reynolds	23	36 – 8	Since dead.
	James Lear	25	65 – –	
	Samuel Haskett	33	64 18 –	Since dead.
	Philip Ryan	28	36 8 –	
	William M'Cormack	24	37 12 –	
	Edward W. Forrest	23	32 19 4	
	Edward Hughes	15	23 10 –	Since dead.
	Patrick Hogan	10	13 – –	
1 July 1861	Henry Buck	39	216 9 –	
	Pierce Ryan	14	77 14 –	
	Martin Coffey	29	58 – –	
	Patrick C. Brennan	24	30 – –	
	Laurence Bourke	16	32 – –	Since dead.
	William Cassin	15	22 10 –	
	James Clarke	12	18 – –	
1 Jan. 1862	James Harton	23	107 14 4	
	John English	18	31 4 –	Since dead.
	William Kennedy	11	13 7 8	
1 Aug. 1862	William Jones	36	230 – –	
	Edward Gaffney	18	130 – –	
	Edmond Kelly	18	32 14 –	
1 Nov. 1862	Michael Mackey	14	29 3 4	
1 July 1863	Thomas Cox	27	157 10 –	
	Patrick O'Meara	10	12 10 –	Since dead.
1 Oct. 1865	Nicholas Macdonnell	14	42 7 10	
	William Robinson	27	46 2 6	
	John Sault	12	21 – –	Since dead.
	Bernard Corbett	11	15 8 6	

DEATHS while in the Service.

NAME.	Length of Service.
	Years.
Thomas Mooney	12
William Shanley	16
Patrick Keenan	18
Francis Kennedy	16
Joseph Lear	30
William J. Burke	21

General Valuation Office, Dublin,
16 July 1867.

Richard Griffith,
Commissioner of Valuation.

VALUATION (IRELAND).

RETURNS of the EXPENDITURE of the GENERAL SURVEY and VALUATION of *Ireland* for each Year from 1860 to 1866, both inclusive; and for each COUNTY, distinguishing the Primary Valuation from the Annual Revision; of the Numbers and Names of OFFICERS employed in the Service, with their SALARIES at present and their SALARIES at entering the Service; &c.

(*Colonel French.*)

Ordered, by The House of Commons, *to be Printed,*
29 *July* 1867.

WHITEBOY ACTS.

RETURN to an Order of the Honourable The House of Commons, dated 29 March 1867;—*for*,

COPY "of the CIRCULAR recently issued to the IRISH MAGISTRATES by the GOVERNMENT in which attention was directed to the WHITEBOY ACTS."

MEMORANDUM as to SPECIAL CONSTABLES, and the Powers and Duties of MAGISTRATES.

SPECIAL CONSTABLES.

As in the present state of the country the enrolment of special constables may be desirable, the Government is anxious to call the attention of the magistrates to the provisions of the Statute regulating the appointment of such officers, which provides for their enrolment under certain contingencies, viz. :— The reasonable apprehension of riot, tumult, or insurrection, being deposed to by credible persons, and further, the opinion of the justices that the police, military, and other regular force in the country, are not sufficient for present protection of persons and property. It will thus be observed that the justices are declared the tribunal to decide upon the necessity for special constables. 2 & 3 Will. 4, c. 108.

The magistrates will carefully consider whether such necessity does exist before they proceed to act under the provisions of the Statute; but, in case of its adoption, His Excellency will be ready to afford to them such assistance and advice as they may require.

POWERS AND DUTIES OF MAGISTRATES.

The attention of the magistracy is further called to the following summary of their powers and duties under the Acts, called "The Whiteboy Acts," 15 & 16 Geo. 3, c. 21, and 1 & 2 Will. 4, c. 44, the provisions of which will be found very valuable in the present disturbances, and apply to all disturbed districts.

1. All persons armed with fire-arms, or any other weapon, or appearing in any disguise, or wearing any unusual uniform or badge, or assuming any name or denomination not usually assumed by ordinary persons in their lawful occasions, who shall assemble, or who shall appear, alone or with others, by day or night, are guilty of a high misdemeanor, subjecting them to penal servitude, imprisonment, and whipping.

2. All persons who assemble and unlawfully compel, or by force or threats attempt to compel, any one to quit his dwelling or employment, or who shall maliciously assault any dwelling-house, or who shall break into any house or outhouse, or cause any door to be opened by threats, or shall carry off any horse or mule, or any gun or other weapon, money, or other property, or shall by threats cause same to be given up to them, are equally guilty, and liable to the same punishment.

3. Any person who shall write, post, publish, or give any notice, letter, or message, exciting, or tending to excite, any riot or unlawful assembly, or combination, or threatening any violence to person or property, or demanding arms, ammunition, money, or other property, or requiring any person to quit any employment, is liable to the same punishment.

4. All persons aiding and abetting others in the commission of any of the above offences are equally guilty, and liable to the punishments above-mentioned.

5. All persons who by drum, horn, fire, shouting, or any signal, excite, or promote, or attempt to excite or promote, such unlawful meetings, are also guilty of a high misdemeanor.

6. Any persons who, by force or threats, unlawfully impose on or tender to any person any oath or solemn engagement are guilty of a grave misdemeanor, and are liable to whipping and imprisonment.

7. All magistrates and constables are empowered and bound to apprehend, disperse, and oppose all persons so engaged, and may call upon and command all persons who are not disabled by age or infirmity to assist them in so doing; and are fully indemnified for happening to kill, maim, or hurt any person in discharging such duty.

8. Any two magistrates having reasonable cause to suspect any person to be guilty of any such unlawful rising, assembling, or appearing as above mentioned, or of having been at any such unlawful assembly, or of intending so to be, may and are required to summon before them any such person, and bind him over in his own recognizance to appear at the next assizes, and to be of good behaviour in the meantime; and in case of refusal, such magistrates have power to commit such person to gaol.

9. Every magistrate has authority to summon any person within his jurisdiction whom he thinks capable of giving material evidence as to any such offence, and examine him or her on oath, and bind such person in recognizance to appear and give evidence, and on refusal to answer or to enter into recognizance, to commit such person to gaol.

By His Excellency's Command,

Naas.

Dublin Castle,
11th March 1867.

WHITEBOY ACTS.

COPY of the CIRCULAR recently issued to the IRISH MAGISTRATES by the GOVERNMENT in which attention is directed to the WHITEBOY ACTS.

(*The O'Donoghue.*)

Ordered, by The House of Commons, *to be Printed,*
5 *April* 1867.

201.

Under 1 *oz.*

RETURN to an Order of the Honourable The House of Commons, dated 25 March 1867;—*for*,

COPY "of the REPORTS of the PROCEEDINGS at the Inquests held at *Dungarvan* in the Month of January last on the Bodies of *William O'Brien* and *Bartholomew Keily*, taken for the Government by the Shorthand Writer employed for that purpose."

THE HOMICIDES AT COUNTY WATERFORD ELECTION.

INQUEST ON THE BODY OF WILLIAM O'BRIEN.

Dungarvan, Wednesday, 2nd January 1867.

2 January 1867.

THE inquest on the body of the late William O'Brien, who was alleged to have been killed by one of the 12th Lancers, on Saturday, the 29th December 1866, during the polling at Dungarvan, was resumed this morning at half-past 11 o'clock, in the Court-house, by Mr. Thomas Henry Denehy, one of the county coroners.

The following jury, which had been sworn, and had viewed the body of the deceased at the workhouse on the previous Monday, was again empanelled:—John Williams (foreman), Patrick Flynn, Patrick Williams, James Mulhall, Patrick Ronayne, Thomas Armstrong, Thomas Dee, Maurice Keane, William Ryan, Michael O'Regan, Declan Hannikin, Thomas Greeson, Thomas Kavenagh, Patrick Walsh, Richard Whelan, Edmond Walsh, James Wall, Michael Walsh, George Fitzmaurice, and Edward Shaw.

The Court having been opened,

Mr. *J. Hunt*, solicitor, said:—Mr. Coroner, on behalf of Captain Morgan, in this case, I have now to apply to you for an adjournment of the inquest, in consequence of a letter which has been received this morning from the Commander in Chief, asking for an adjournment, in order to give him an opportunity of sending counsel to the inquest and watch the proceedings. No inconvenience can arise from an adjournment, for the body has been viewed, identified, and buried (the jury had viewed the body, and it had been buried); I would therefore ask you to adjurn the inquest until Monday next.

Captain *Morgan.*] A letter has been received from the Military Secretary, Royal Hospital, dated the 1st January 1867, asking me to put myself in communication with the solicitor going to Dungarvan, and instruct him to require a postponement until counsel be engaged, signed, "L. Curzon, Lieutenant Colonel." I have further instructions from Cork to the same effect, which came by special messenger. Under these circumstances I have to ask you to be kind enough to allow a postponement until Monday next, by which time I expect the Government will be able to have then counsel present.

The *Head Constable.*] Perhaps it is right for me to state, Mr. Coroner, that there is another case for an inquest on the quay; that of Captain Keily.

Mr. *Hunt.*] That is a further reason why an adjournment should be granted, because I take it that both cases then could be gone into, when counsel attended here.

The *Coroner.*] I think it right and fair that facilities should be afforded to both sides; a jury must be sworn to view the body in the second case.

Mr. *Hunt.*] I take it then that the inquiry will adjourn until Monday next.

Captain *Barry Rill* here entered the Court and asked what had occurred.

Mr. *Hunt.*] I applied for an adjournment of this inquiry until Monday next, and I made that application in consequence of a letter received by Captain Morgan from the Major General commanding the South-west Division of Cork, who received instructions from the Military Secretary at the Royal Hospital, in Dublin, that he should attend for the military in Dungarvan, and ask for an adjournment until they could send down counsel. The Coroner has been good enough to assent, since no inconvenience can arise in consequence, as the body has been identified and buried. The head constable has come in now, and states that another man has died, and that another inquest will have to be held.

Captain *Morgan.*] A further reason why it ought to be postponed.

Mr. *Barron.*] Have you any objection to read the communications you received?

Captain *Morgan.*] I will give you the substance of it. The Major General of the Cork Division had been written to by the Military Secretary of the Royal Hospital to employ their solicitor in this case; but that gentleman was engaged

2 January 1867.

engaged and could not attend, and he had not had time to employ another solicitor. He has written to me therefore to ask for an adjournment, in order that the Government may have an opportunity of defending themselves. I have other information to the same effect from Dublin.

Captain *Barry Rill.*] In support of the application made by Captain Morgan, I think it right to say that on the evening before last, when you kindly consented to adjourn the inquest at my suggestion, I communicated with the Chief Secretary and with Colonel Sawyer, the officer commanding the troops here, who, I take it for granted, would wish to attend here; but he is unfortunately on leave, and that is another reason why there ought to be an adjournment, particularly as no inconvenience can result, and as the unfortunate deceased has been interred; and as, I am sorry to say, another similarly painful duty will devolve upon you by the death of the lamented harbour master.

Captain *Morgan.*] As a proof that there had been no delay on the part of the Government, read a communication showing that two or three legal gentlemen had been applied to, who could not attend.

Mr. *Barron.*] I presume your communication refers to the inquest to be held on Captain Keily as well as on O'Brien.

Captain *Morgan.*] I have no information about the second one, and therefore can say nothing about it.

Captain *Barry.*] Oh, of course not. You could not have heard, for he has only died within the last two hours.

Mr. *Hunt.*] No; and that is an additional reason why the application should be granted.

The *Coroner.*] As you say, it is an additional reason.

Mr. *Hunt.*] Yes; it is an additional reason for giving time.

Captain *Morgan.*] I have no doubt that in both cases the Government will be able to defend themselves on Monday next.

Mr. *R. Hudson,* solicitor.] I appear on behalf of the next of kin, and, for the reasons assigned, I think there should be an adjournment. I think, on the behalf of the next of kin, that there ought to be a full and fair investigation, and it is well not to give the colour of complaint to any of the parties concerned; therefore, I give a full consent to the adjournment, and have no hesitation in doing so.

The *Coroner.*] Shall we say then half-past 10 or 11 o'clock on Monday next?

A *Juror.*] Mr. Coroner, will there be another adjournment then, for we are men of business.

Captain *Morgan.*] I cannot say anything about that. I only obey the Military Secretary in asking for this adjournment.

The *Coroner.*] There are four clear days now from this till Monday, and I hope we will not have to give another adjournment; it would be unreasonable. Let it be 11 o'clock on Monday next.

The proceedings were then adjourned till Monday morning, and the Coroner proceeded to swear in a jury to hold an inquest on the body of Captain Keily.

Second Day.

Dungarvan, Monday, 7th January 1867.

7 January 1867.

The inquest on the body of the late William O'Brien was resumed in the Court-house, Dungarvan, this morning, by Mr. Denehy, Coroner, before the jury sworn on a previous day.

Mr. Waters, barrister-at-law, instructed by Mr. Hudson, and Mr. Barron, solicitors, appeared for the next of kin; and Messrs. H. B. Julian, of Cork, and A. J. Spratt, of Youghal, solicitors, appeared for the military.

The names of the jury having been called over,

Mr. *Julian* said:—Probably, Mr. Coroner, this may be the proper time to make an application about a witness; you are about to call the witnesses?

The *Coroner.*] Yes.

Mr. *Julian.*] Then this may be the time for making an application, and that is to require the attendance of Mr. J. B. Greene, R.M. I may tell you that I have the honour to appear on behalf of the military, and to watch the proceedings here; and I would, on their behalf, ask the attendance of Mr. Greene, who was the party in command on the occasion, as a witness. I think his evidence will be most important on the inquiry, and he ought to be here.

The *Coroner.*] Where is he?

Mr. *Julian.*] I am not very certain, but he was in attendance here at the time of this occurrence. A gentleman here says, "Castleblaney, County Monaghan," is his address. I am rather surprised that his name has not come before you up to this, because, beyond all doubt, his attendance ought to be necessary; that is beyond all question, for he occupied the position of Commander in Chief in this part of the county, and occupied a prominent position on the melancholy occasion.

The *Coroner.*] I expected that they would have been here, all the witnesses.

Mr. *Julian.*] I expected that Mr. Greene would have been here in attendance.

The *Coroner.*] I never heard the gentleman's name in connection with the affair before.

Mr. *Julian.*] I have been informed that he was here in command, and that it was at his requisition some of the military acted. If you issue a summons, I dare say the police will take charge of it, and transmit it on for service. I take it that there will be ample time to do so before this inquiry will close. The police have been frequently engaged in summoning witnesses, and I presume they will have no objection to take charge of that summons.

The

The *Coroner.*] I suppose the police must send the summons?

Mr. *Julian.*] I don't know what course the police adopt on these occasions. I believe that they generally transmit them from station to station.

Mr. *McDermott*, S. I.] The coroner issues the summons, and the police are responsible for the delivery.

Mr. *Julian.*] I take it to be so. The coroner issues the summons, and the police will be responsible for the rest.

Mr. *Waters.*] I appear on the part of the next of kin of the unfortunate man who lost his life on this melancholy occasion, and I have nothing to say to the application that Mr. Julian has made further than this: that the inquest has been already adjourned from this day week, for the purpose of allowing the military to make preparation to meet the case; but the application, asking you to issue a summons to have Mr. Greene's attendance, is rather a curious one. I rather think that if Mr. Julian telegraphs to him, or to the Chief Secretary's office, he will be ordered to attend at once. It will be the shorter way of doing it.

Mr. *Julian.*] I don't understand the object of this interference. If it be merely for the purpose of instructing me, Mr. Waters must excuse me for not following his suggestions. I have taken the better course, which is to call upon the coroner to issue a summons for the attendance of the witness. I think that is a much better way than the other.

Mr. *Waters.*] It does not lie with me to suggest to you, except that I wished to avoid delay. If the Chief Secretary be telegraphed to, Mr. Greene, being a servant of the Government, can be had here at once.

Mr. *Julian.*] I don't adopt the suggestion of Mr. Waters with regard to what may or may not be done. I wish him to leave me to my own discretion, and I think the proper mode is to have the summons issued. I don't ask for any adjournment; I don't ask for any delay; for I am sure Mr. Greene will be here in ample time to give evidence at this inquiry.

The *Coroner.*] When the application was made on the last day for an adjournment, I understood that all parties were to be ready here to-day.

Mr. *Julian.*] And we are here to-day; but, before arriving here, I thought it would have been about as necessary to summon yourself as Mr. Greene. I took it for granted that he would have been in attendance here to-day. I thought that, as resident magistrate, he would feel it his duty to be here to-day; but as he has not thought fit to be in attendance, I have no alternative but to apply for a summons to bring him here.

The *Coroner.*] If I filled a summons now, I don't know what time he would be here on it.

Mr. *Julian.*] I dare say you could make it returnable on Wednesday morning. He could not be here before then.

Mr. *Armstrong* (a Juror).] Would it not be well if this gentleman is to be here, that he should be telegraphed for, and the message sent besides. It would save a great deal of time if he attended to the telegraph, and you could make sure by sending both.

The *Coroner.*] What do you say to that, Mr. Julian?

Mr. *Julian.*] I think it would be well; it would expedite his movements if you sent by telegraph, but I think it would not be well to leave it to the telegraph.

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The *Coroner.*] Then you wish to issue a summons as well as a telegram?

Mr. *Julian.*] I would send the telegram to him as well; the telegram will long precede the summons.

Captain *Barry*, R. M., here entered the Court.

Mr. *Julian.*] Captain Barry, do you know where Mr. Greene is stationed permanently?

Captain *Barry.*] Yes, in Castleblaney, in the County Monaghan.

The *Coroner.*] Mr. Julian has just asked me to issue a summons, and I will do so.

Captain *Barry.*] The Coroner has just told me that it was his intention to issue a summons to Mr. Greene, but I think that if I am directly authorised by the Coroner to do so, I would telegraph directly to the Castle, and, as a resident magistrate, Mr. Greene will be ordered to come down at once; that if it is stated it is the wish of the Coroner, he will be ordered here at once.

Mr. *Julian.*] Well, I think that will do; I think an order coming from the Castle will very probably secure his attendance pretty quickly.

A *Juror.*] Would there not be a reply in one or two hours if a telegram were sent?

Captain *Barry.*] Those that are bound must obey; if he gets an order he must come; I think it would be well now to ascertain if there were any of the other resident magistrates in attendance here who will be required, for there is no use in having to repeat the application.

Mr. *Julian.*] I don't know at the present moment any gentleman whose attendance may be required. Mr. Greene is the only one whose presence strikes me to be essential.

Captain *Barry.*] Mr. Julian is not perhaps aware that there were two escorts, commanded each by resident magistrates. Do you wish the attendance of both these magistrates: that is, of those who attended the armed escorts?

Mr. *Julian.*] Who was the resident magistrate commanding the other escort?

Captain *Barry.*] Mr. Hatchell.

Mr. *Julian.*] I will probably be able to tell you in one moment. (*After conferring a moment or two.*) If you please let us have Captain Hatchell here.

Instructions to telegraph for both these gentlemen having been given,

Mr. *Waters.*] I think the time has come now, Mr. Coroner, when it may be necessary to ask who are the parties attending at this inquiry, and who they represent. I appear on the part of the next of kin of William O'Brien, who lost his life on the occasion, and it may be as well to see who else attend, and on whose behalf they attend.

Mr. *Julian.*] As I have already stated, I have the honour to represent the military on this occasion, and Mr. Spratt has consented to assist me.

Mr. *Waters.*] I think Mr. Julian must be a little more specific; representing the military is a very wide phrase. Does Mr. Julian represent the Horse Guards or the whole British army, or whom does he represent?

Mr. *Julian.*] I never intended my answer to be so universal as that. I represent the military who happened to be here on the recent occasion.

Mr. *Waters.*] That is also too general. There were 350 or more military here on that occasion, and do you represent all these?

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Mr. *Julian.*] Well, I will not restrict myself or my action.

Mr. *Waters.*] I think that is not fair, and I think that you should give the information I require, and specifically state the names of the parties you represent.

Mr. *Julian.*] Whom do you seek to inculpate in this matter?

Mr. *Waters.*] I am only wanting information as to the cause of death of William O'Brien, and I therefore ask Mr. Julian to state the names of the parties for whom this attendance is. The necessity of such a course as this will be apparent to you. I need not suggest to you a thing that may occur during the investigation. Some persons' conduct may be impugned. I don't at present point to any person in particular, and not knowing whether this person is represented or not, and having only such a statement made as that Mr. Julian represents the military; when this man's particular case may be impugned, then my friend Mr. Julian may say, "I know nothing at all about him." Therefore, I think it is necessary he should in the first instance state whom he represents. I was going to call your attention in the first instance to the inquiry of 1859, on an occurrence which took place in Limerick. There gentlemen came forward, and stated that they represented the police; but the coroner said he would not allow them to go on until they named the parties who were represented. I ask you, Mr. Coroner, to do the same thing here; to have these gentlemen state who they represent here, in order that we may avoid all difficulties.

Mr. *Julian.*] I can only say that until Mr. Waters says whom he seeks to implicate, I will not name any person, or restrict myself to any individual or number of individuals. If Mr. Waters seeks to implicate any person connected with the military, then I on behalf of the military will be proud to avow him. I will represent every person who wore Her Majesty's uniform on that occasion in Dungarvan, and when any person is pointed out or sought to be pointed out in the matter I will not disavow him. I understood that on the occasion of this inquiry being postponed, the application for its postponement was not on behalf of any person in particular, but of the military; and you, Mr. Coroner, granted it, that they might be represented here. Although Mr. Waters got up with a view to save time, we are not saving time, but rather losing it by arguing here; for any attempt to restrict me will be utterly futile. There was an adjournment asked for, which was *bonâ fide* and honest on the part of the military, and that being so, I undertook to discharge my duty of representing the whole of the military in Dungarvan on that occasion.

Mr. *Waters.*] I don't seek to restrict him to any particular man, but he can name as many clients as he wishes.

Mr. *Julian.*] I will not name anybody; for if my instructions are right, there is nobody in the position of being named or singled out; therefore I will not single out anybody.

Mr. *Waters.*] I don't wish to restrict him, but he must say what he represents. The military are divided into a number of regiments, and let him say that he represents such and such officers of such and such a regiment, or such and such officers and men of such and such a regiment; then we will have something specific to go on.

The *Coroner.*] Is it the infantry cavalry you represent?

Mr. *Julian.*] My instructions are not restricted to any particular set of military, and I am not aware that there was any distinction drawn on the occasion of the adjournment.

Mr. *Waters.*] But then you had not entered into the case. The whole case was then adjourned until this day.

Mr. *Julian.*] If my instructions are correct there is no particular individual or body of the military to be singled out; but if you, Mr. Coroner, say that it is to be done, if you choose to rule that I must do so, your ruling will aid them powerfully; but I must still decline to do so. If Mr. Waters is sincere about the saving of time, now let us go on, for he will only lose time if you press me to single out any individual, for I will not do so.

Mr. *Waters.*] It rests with you, Mr. Coroner, to say whether you are satisfied; whether you will do so or not; but I have done my duty to my clients in this case.

(In allusion to the conversation with several magistrates——)

Mr. *Julian* said, Might I ask you, sir, whether you are assisted by any other person? I always understood that the coroner was the sole judge of his own court.

The *Coroner.*] Oh! Mr. Julian.

Mr. *Julian.*] I only wish to know whether I am before one judge or half-a-dozen.

The *Coroner.*] I understand that I am the sole judge of this court.

Mr. *Julian.*] Thank you, sir; I wished to know it.

Mr. *Waters.*] As Mr. Julian persists in keeping that cloud of obscurity about his clients, perhaps he would say whether such clients belonged to the troops on duty in Dungarvan on that day, and what those troops consisted of, and their commanding officer.

Mr. *Julian.*] Your innocence must be very refreshing.

Mr. *Waters.*] I only ask it from you.

Mr. *Julian.*] The matter is so notorious that I really think you cannot be in earnest. I believe the lancers and some of the 67th.

Mr. *Waters.*] I really want to know who they were, and the officer in command.

Mr. *Julian.*] It was the 12th Lancers.

Mr. *Waters.*] And the officers in command?

Mr. *Julian.*] There were officers in command.

Mr. *Waters.*] First then, of the officers in command, and if they were composed of several troops?

Mr. *Julian.*] I don't know the names of the officers in command. The only one I know is Major Wombwell. I can get the others for you if it is any assistance to you, if you wish it.

Mr. *Waters.*] May I ask you Major Wombwell's Christian name?

Mr. *Julian.*] That you will have no difficulty in getting. I will get it for you now in writing. What is your Christian name, Major Wombwell?

Major *Wombwell.*] Adolphus.

Mr. *Waters.*] I ask now for the names of the troop of lancers.

Mr. *Julian.*] I don't know the names of the troop of lancers.

Mr. *Waters.*] Major Wombwell is in court, and he will be able to give them.

Mr.

Mr. *Julian.*] Does it distress you particularly not to have them?

Mr. *Waters.*] I want the names of the officers and men that were on duty in connection with this case; that particular troop and the officers of that troop.

Mr. *Julian.*] This does strike me to be rather an unusual course, and for Mr. Waters to take this; then I cannot see that Mr. Waters can ask me to single out the names of persons on an investigation which is only just commencing. I rather think he will have to single them out from the evidence given by the witnesses; but at the same time let me not be understood to be trying to throw a cloud of obscurity over the evidence in the transaction, or of having any concealment in the matter. Mr. Waters can have from me in a short time the names of the officers who were in Dungarvan on the occasion in question, if he wish to have them; but I think it is rather an unusual course to be called upon at the outset of this inquiry to single out the names of any individuals, or parties represented as accused parties, or to call upon me to state who are the accused parties. I will do no more.

A *Juror* (Mr. *Thomas Dee*).] I think it would be well to adjourn the inquiry until the resident magistrate is here. I will protest against going on if he does not come.

The *Coroner.*] You have a long way to come to his evidence yet.

Mr. *Waters.*] I represent here the next of kin of William O'Brien, who was one of those who lost his life on that melancholy occasion, and with your permission I will say a few words.

The *Coroner.*] Not at present.

Mr. *Dee* (a Juror).] I will not listen to anything until the stipendiary magistrate is present.

The *Coroner.*] You have no business to speak just at present. 7 January 1867.

Mr. *Dee.*] Well, discharge me as soon as you like, but I will not hear anything.

Mr. *Waters.*] If you are willing to go on with the evidence immediately, I will follow any suggestion of yours; but it occurs to me that it might be useful to make a few observations on the general bearings of the case, and I think it might be well to make them before the case is gone into.

Mr. *Julian.*] I never yet heard stated that such a course was adopted in an inquest as that suggested. It is not at the outset, and it is not until the whole of it has concluded, and after all the witnesses have been examined, that such a thing is done.

The *Coroner.*] I think it would be well to go on with the evidence first.

Mr. *Waters.*] Very well, sir.

Mr. *Dee.*] Mr. Coroner, you will receive my objection to receiving any evidence in the absence of the resident magistrate, Mr. Greene.

Mr. *Waters.*] I have witnesses summoned here, and you (Mr. Julian) have witnesses summoned, but I am in your hands, Mr. Coroner, as to the manner in which I shall examine them.

The *Coroner.*] I think I shall take down a direct examination first.

Mr. *Julian.*] Do you purpose calling up all the witnesses that have been already examined.

The *Coroner.*] This is the only man who was examined as yet.

Mr. *Julian* here handed Mr. Waters a list of the officers in command of the 12th Lancers on the day in question. Major Wombwell, Captain Fagan, Captain Lequesne, Captain Orred, Cornet Arundel, Cornet Burkin Young, and Cornet Middleton.

JOHN MELEY, a Labourer, who had been sworn and Examined on a previous day, was then recalled, and deposed to his former statements, as follows:

ON Saturday last, about one or two o'clock, I saw the deceased about eight or nine perches before me, running up to an enclosure opposite the Cooper's Store on the quay. Before he reached it two of the lancers galloped past him, and as he was running to the inclosure, a third lancer came up and struck him with the butt end of his lance on the poll and tumbled him. The horse of the lancer then passed over him, but I cannot say whether it touched him or not. Three more lancers came on, and their horses passed over him and passed on. I at once ran to take up the deceased, and while I was doing so, the same lancer who knocked down the deceased rode back quite close to me. I heard another lancer bawling out to him, but could not tell what he said. The lancer who struck and knocked down the deceased pulled up for a little and then went away. I then, with the assistance of Captain Dower, took the deceased into the shed. *J. Meley.*

Further Examined by Mr. *Waters.*

After placing the deceased in the shed, then state what was done?—Captain Dower ordered me to go for the priest, and so I did. When I laid him in the shed I was ordered to go for the priest, and so I did. I went and brought the priest.

When you were leaving to go for the priest, who did you leave with the deceased?—Captain Dower.

Was he able to speak when you were leaving him?—No, sir.

Was there any appearance of blood about him?—No. There was some little sign here on his forehead (*pointing out the place*) where he came down on the ground, and his finger was cut.

You brought the priest?—Yes.

And what did you do then?—I only remained then until we put him into the box that brought him to the poorhouse.

Who was there when you come back?—Dr. Anthony was there when I came back.

Dr. Anthony was with O'Brien when you came back with the priest?—Yes.

How soon after was he removed to the workhouse?—In something more than half-an-hour; in something about an hour.

Did you go to the workhouse?—No, I did not, because I wanted to go see some person, and to send word to his people that he was killed.

Did you see O'Brien in the workhouse?—I did not see him again until I saw him dead.

What day was that?—I think it was on Sunday; on Monday.

The *Coroner.*] Was that when I was there?—No.

J. Meley.
7 January 1867.

No, sir; I saw him before that. I saw him on Monday last.

Is there anything more that you know about it?—No, sir.

Mr. *Dee* (a Juror).] Where were you when the occurrence took place?—I was on the quay.

Did you see any person giving an order for the troops to charge?—I did not, indeed.

Mr. *Waters* suggested that Mr. Julian should examine the Witness.

Mr. *Julian.*] But as this is Mr. Waters' Witness, and as he appears for the prosecution, I accord him the precedence.

Mr. *Waters.*] I think it would be well, as soon as possible, to settle this matter. I suggested already that I should examine the Witness, and that Mr. Julian should cross-examine him then. You have then, Mr. Coroner, to write down the questions.

The *Coroner.*] It may be the course adopted elsewhere, but I always ask the questions first.

Mr. *Waters.*] I know that you are quite right, and that the course I suggest is not the usual course; but if you have held an occasional inquest in which professional gentlemen attended, that probably was the course.

The *Coroner.*] I am not aware of any inquest in which this suggestion has been adopted.

Mr. *Waters.*] It was adopted in Limerick, where there were counsel representing the next of kin, and the counsel representing the police. The counsel representing the next of kin addressed the jury last, and I suggest that that course should be adopted here.

The *Coroner.*] What course was adopted in the Dungan case?

Mr. *Julian.*] I was engaged in that case, and can tell you something about it. In that case Mr. Wallace appeared for the prosecution, and he examined and I cross-examined the witnesses for the prosecution. I cross-examined them on the part of the police. When the question arises at the close of this inquiry as to the order in which we are to speak we can settle it. I there consented to my dear deceased friend, Mr. Wallace, the right to precede me; but I say now to Mr. Waters, whether the Coroner rule with me or not, that Mr. Wallace was the party who addressed the jury on the part of the next of kin, and that I replied on the part of the police. But with regard to the examination of the witnesses, it was as Mr. Waters says, Mr. Wallace examined and I cross-examined them.

The *Coroner.*] But did not the Coroner examine them?

Mr. *Julian.*] Oh, yes.

Mr. *Waters.*] But it was the course adopted in the Six Mile Bridge affair. I will examine fairly, and I think you know me well enough to know that.

Mr. *Julian.*] Will you cross-examine now?

Mr. *Waters.*] I will re-examine him by-and-by.

A *Juror* (to *Witness*).] Can you say who was the man that knocked O'Brien down?

The *Coroner.*] Perhaps you will kindly reserve that question at present.

Mr. *Waters.*] It would be well to wait until we are done. It may save you some time, for it may come out.

Cross-examined by Mr. *Julian.*

What are you?—I am a labouring man, and sometimes clip horses.

Where do you live?—I live in Abbeyside now.

Where did you live at that time?—I lived in the parish of Culligan; I live now at Abbeyside.

What were you doing in town that day?—I was doing nothing more than anybody else; I was only going out to my house.

A patriot looking after an election?—I was looking after the election.

Were you doing a day's work that day?—No.

Were you paid for that day's work?—No.

You hope to be, perhaps?—I don't.

Neither were paid nor hope to be paid; that is a bad state of things?—No, sir.

You were completely a gentleman at large, not in anybody's employment that day?—I was not in anybody's employment that day.

Did you tell this story to anybody since it occurred?—I told the Coroner.

Did you tell anybody else?—I suppose I did, sir.

You are certain about it; did you, as a fact?—I am sure I did.

Did you tell it to many?—I believe I did, sir.

We are getting on very well. I am not accusing you of misrepresenting things; but do you recollect whom you told it to?—I could not recollect it.

Do you recollect whom you told about it?—I am sure I told some of the police about it.

That is all right; but did you tell it to anybody else?—I cannot recollect anybody else.

You don't recollect anybody else?—I don't recollect one more than the other; but I am certain I told it to more.

Did you tell it to any gentleman of my profession?—I don't think I did.

Your evidence was not taken down by anybody but the police?—I told it to the police and Coroner.

Was it by anybody else?—No.

How was it first known that you knew anything about it?—I am not sure.

Did you know the deceased before his death?—I did.

Had you seen him long before that day?—No, not for the last two months before that.

Did you see him long before the occurrence?—Only just a few minutes before that occurrence.

What was he doing?—He was only standing on the quays when the row was going on at the bridge.

What was the row on the bridge?—Between the lancers and the people.

Mr. *Julian.*] I will ask you to take down nothing, Mr. Coroner, until an answer is given.

Mr. *Waters.*] I will ask you to take this down, that he was standing on the quay when the row was going on at the bridge.

Mr. *Julian.*] Very well, let the whole of it be taken down, that he was standing on the quay when the row was going on down at the bridge between the lancers and the people.

Mr.

Mr. *Waters.*] Perhaps you did not wish to have it taken down?

Mr. *Julian.*] Oh, I did.

Witness.] I saw him down a bit from where I was, standing by himself.

Mr. *Julian.*] At what particular point of the quay was that; what was that place called?—I could not tell that.

Do you mean to say you could not tell where you saw him?—Between Mrs. Curran's coal store and Mrs. Keily's house; half-way between them, by himself. It was about half-way between Mrs. Curran's coal yard and Mr. Keily's house, by himself.

What was it you added about the row on the bridge?—I said that was the only time I saw him. I was going out with myself and another man, and I stopped on the quay looking up at the bridge. That is the time I saw him first. The row was going on then up at the bridge. There was some scuffling or another there on the bridge with the lancers and the people, and two of the lancers came running down the quay.

The *Coroner.*] Stop a moment. You say between the lancers and the other people?—Yes; between the lancers there and the other people.

Mr. *Julian.*] Were they a crowd or a mob?—I could not say whether it was a crowd or a mob; I saw the lancers coming through them "trampling" their horses.

Were the crowds around them at the time?—No, sir.

The *Coroner.*] Was there a crowd there at the time?—There was.

Mr. *Julian.* Now, how far were you and the deceased away from the crowd, on your oath?—Can you give me some idea how far?

The *Coroner.*] I think you said something about the horses trampling?—I saw two of the horses make down before the rest, amongst the people.

What horses were these?—The lancers.

Mr *Julian.*] I am going back a bit. How far, do you swear, were you and the deceased away from the crowd?—A good bit.

Mr. *Waters.*] I was going to suggest that this man, at the close of his evidence, go out with a police constable and pace the distance, as far as he could.

The *Coroner.*] I see no objection to that.

Mr. *Julian.*] I object to that, at present; though I have no objection to anything that is carried out after my cross-examination.

Can you, in paces, or in any way you can, by comparing it with the length of this Court-house, say, is it once or twice its length?—It was 12 or 13 perches I was away from the deceased. The deceased was beyond me, and I was between him and the crowd. It was 12 or 14 perches from the crowd. I was about 10 or 12 perches from the crowd. That is as far as I can imagine.

Mr. *Julian.*] He says that the deceased was 12 or 13 perches from the crowd, and that deceased was further from the crowd than he was.

Witness.] That is as far as I can recollect; but I don't know.

What hour of the day was that?—I should say something after one o'clock.

It was between one and two o'clock?—Yes; something about that. *J. Meley.* 7 January 1867.

Do you swear that the whole quay, down to that, was not black with people at that hour?—It was not.

Or a sea of people down to that?—No.

While the lancers were on the bridge and you were there?—They were not there until the people had to make a way for themselves.

You swear that they were not extending all the way down to you?—It did not, sir.

The *Coroner.*] The crowd did not extend down the quay to where you and O'Brien stood?—No.

Mr. *Julian.*] Did you see anything in O'Brien's hand?—No, sir.

No stones?—No; nor a stick.

Did you see any stones in his hands, or did you see him stoop for any?—No.

At any time?—No; nor did I stoop for any, either.

Will you swear he had none?—Well, I swear to the best of my belief he had none.

I ask you, will you swear he had no stones?—I will not swear he had none in his pocket; nor did I see him with any, nor had he any in his pocket either.

Will you swear he had none in his pocket?—No, sir.

Will you swear that he had not it in his closed hand, without your seeing it?—I don't think he had.

Will you swear that he could not have had it in his closed hand without your seeing it?—No; I am sure he could not.

Will you swear it?—I will swear that, as far as I could see, he could not have had it.

Will you swear that he had no stone in his closed hand?—To the best of my belief he had not. He had no stones, unless he took up a bit in his closed hand.

Can you tell us the particular spots on which the stones were?—I could not.

Did you know that the supplies were not there?—They were not troubling me.

Will you swear that there were no stones close to that spot; I was down there this morning?—I will not.

Was it a round or square stone you would use, if you were going to give a clink?—There were plenty of stones there.

Will you swear that he had none; were you watching to see who had them?—I was not.

Will you swear he had none?—I will not.

Mr. *Julian.*] You might have said that an hour ago. I will ask you, Mr. Coroner, to take that evidence, that he cannot swear that deceased had no stone in his hand; for I will give you positive evidence, by-and-by, that he——

Mr. *Waters.*] Oh! Mr. Julian, you cannot make these observations now. You may give this evidence by-and-by.

Witness.] I cannot swear that he had no stones in his hand; but to the best of my belief he had not.

Mr. *Julian.*] I undertake to say that you saw no stones at all that day?—I saw stones on the road.

On what particular point of the road did the stones catch your eye that day?—No stones ever catched my eye.

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Where did you see stones that day?—I saw them on the road.

Anywhere else?—On the street and on the square.

Did you see them anywhere else?—I think on the walls of the houses.

I don't see the force of that answer, unless so far as it suggests a question to me; did you see any stones taken out of the walls that day?—No.

You saw stones on the street; did you see them anywhere else?—Yes.

Did you see them in any fellow's hand?—No.

Were you about the polling place?—No.

Were you on the square at all?—Yes.

Were you there at about nine o'clock in the morning?—No.

What was the earliest hour of the day you got to the town?—I was there about nine o'clock. I was there from three or four o'clock to about six or seven o'clock.

Were you there from about nine o'clock; from nine o'clock till two o'clock?—No.

Where did you contrive to ensconce yourself from nine till two o'clock?—I was part of the day at home.

You don't mean to say you went away from the fun?—I did.

How long?—I stopped from three to four hours inside.

What doing; saying your prayers?—Perhaps I did that same.

Is it your habit to do that same?—Perhaps so.

Do you mean to say that with the fun of an election going on there between nine and two o'clock, you went home and stopped?—I did.

What time of the day was it?—I was at home between 10, 11, and 12 o'clock that day. I was at home about three hours; at 10, 11, and 12 o'clock.

Were you out the rest of the time?—I was.

In the square?—Not in the square. I was in the Black Pool and thereabouts; it was only at that time I was in the neighbourhood of the bridge.

In what part of the town did you spend the first part of the day?—In different parts of the town.

Did you take a drink that day?—I did.

Did you take a great many of them?—No.

Did you get much that day?—I took a reasonable share.

But not at your own expense; you know that destroys the pleasure?—Some of it. It was give and take.

You gave one fellow a drop?—I think so.

Who gave it to you?—I met friends from the parishes of Ardmore, Caillyin, and Strodbally that gave it to me.

You had a great many friends, then?—I met some that day.

You went home to rest yourself after the hard work of the morning?—I did.

How much did you drink before you went home in the morning?—None; it was after that I took it at all.

How much had you taken before O'Brien was killed?—I think I had a pint or two of porter until he was killed.

Are you sure of that?—I am quite sure of it.

Had you paid for them both?—I paid for one of them.

Do you mean to swear again, to the Coroner here, that you never saw a stone flung that day from morning till night, though you were out that day, except from 10 and 11 to 12 o'clock?—I never did no more than——

Did you see a stick thrown?—I heard the people shouting and bawling.

Did you see a stone, stick, or bottle thrown that day?—No, I never did.

Did you get drink out of a bottle that day?—No.

Did you not empty a bottle that day?—No.

You did not hear anything that day but a few shouts?—I saw the lancers coming over, and a wrangling between the lancers and the people, whom they were driving away from them.

Did you hear the lancers called any names that day?—I cannot say that they did. I heard the people talk bitter enough in the evening, when the people had been killed by them.

What was the hour that day at which you heard the lancers called names?—I don't think I heard anything about it until then.

Nor about their flags?—No.

Nor about the colour of their stripes, their uniform, or colours?—No, not a word.

Not a word?—No.

There was nothing at all offensive?—I did not hear a word in the world said to them.

Was it after the row?—It was when the people were murdered and destroyed by them.

But I want to know what occurred in the morning, and I want to know what was the row at the bridge?—I saw it, and at the time of the row I heard them saying that there were voters coming in, and the lancers with them to make room for them.

Who said that?—I could not say.

What was that row that you so speak of?—I only tell you what I heard the people say, that the lancers wanted to make room for the voters. I heard that they were trying to make room for the voters that were coming in.

Who did you hear say that, at that time?—I could not tell.

You don't know their names?—No.

Were they belonging to Dungarvan?—I could not say.

Did you not swear that there was nobody there but you and O'Brien?—I don't mean at that time.

Mr. *Julian.*] Did you not swear it?

Mr. *Waters.*] Let him answer.

Mr. *Julian.*] I asked him what they were doing, and his answer was, that he heard people say that the voters were coming in, and that the lancers were making way for them?—I did not mean at that time.

I asked you what it was about, and you said you did not know, but that you heard it was the voters coming in?—I did not mean at that time.

The *Coroner.*] What do you mean now?—I mean that it was during the rest of the day I heard it.

Mr. *Julian.*] What was it you heard the people saying when the row was going on at the bridge?—I could not say. (To the *Coroner.*) It was during the rest of the day that I heard the people saying that was the cause of the row.

Mr. *Julian.*] What did they tell you about it?—It was not me they told at all. I heard them telling it.

When you saw the row going on at the bridge,

bridge, had you no curiosity as to what it was about?—No; I did not ask at the time.

Did you see a crowd coming down from the bridge?—There was, and they were trying to make way for the horses.

How many people were there?—I could not tell.

From one to a thousand; how many were there?—There were not a thousand.

Will you swear there was not a thousand coming down the quay at that time?—I could not swear how many, but I think there was not.

Will you swear there was not?—No.

Will you swear there were not 500?—I will swear I could not tell if there were 20 or 1,000 there; that is the way of it.

Mr. *Julian.*] Take down that. He says he could not swear whether there was not 20 or 1,000 people coming down from the bridge.

Witness.] I went clear away when they were coming.

Mr. *Waters.*] If you had been there yourself, to see such a thing, you would have cleared away too.

Mr. *Julian.*] Speak for yourself. You don't know what I would do. If we were outside, I would tell you what I would do.

Mr. *Dee* (a Juror).] Did you see any sticks or stones in the crowd that day?—No.

The *Coroner.*] What do you say?—I saw no stick or stone with them; but they might throw them unknown to me.

Mr. *Julian.*] Give him all the credit for that; a man that could not state whether there were 20 or 1,000 there. Will you swear that the crowd had not them?—No.

Mr. *Julian.*] Take that down now.

Mr. *Waters.*] I must ask you not to make any observations in cases of this kind.

Mr. *Julian.*] Will you swear that every man in the crowd had not a stick or a stone?—No, I will not; but I will swear that some of them had not sticks; they might have had stones.

Did the crowd come before the lancers down the quay?—Some came before and some after. The people were trying to clear away before them as fast as they could, and the authorities that were there on the bridge.

Did the crowd go before the lancers as they turned down the quay?—I could not say; I know that they scattered down the quay, but I could not say whether any intended to come before them or not, or whether they could or not.

But they came down before them?—Sure there was a sight of people at the bridge, at the end of the bridge, and they did come down scattered about.

I did not ask you whether they had to do it or not, or whether they did it of their own accord?—Some of them had to do it; they cleared away. I told you that they ran away from the horses as fast as they could; that they scattered about. I saw that some of them ran down the quay.

Did the crowd of people come down and go before the lancers?—Sure there was some of them came down, and others did not come.

Was there a crowd of people going down the quay before the lancers?—I did not see them. What I saw was some running away from the lancers.

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How many were running away?—I could not swear.

Did 500?—I could not tell; I could not swear that they did not number up to 100. I will not swear that they did not, so far as I could see.

How many came in on that 10 or 12 perches; was there 100?—I could not tell you; I think there were not. I was making my way from the horses as well as I could, for I was striving to get into a vessel myself, and I could not tell how many there were.

Had any of the crowd that were up at the bridge reached as far as you and O'Brien at the time O'Brien was knocked down?—I could not tell that. I could not tell whether any of the crowd that were on the bridge had reached as far as where I and O'Brien were standing at the time O'Brien was knocked down.

Did you see any persons in the boats on the quay side?—Yes.

Were there many?—Well, there were.

Were they crowded?—Well, they were not.

Were there a great many in the boats on the quay side?—There were; I could not tell what way the quays were.

Were the decks black?—I could not say; but to the best of my opinion they were not.

Were there 20 or 30 people in the boat?—I could not say. I tried to get into a boat myself.

About how many were in the boat you tried to get into?—I could not tell; I was thinking of something else at the time.

Was there one or 50 in the boat you were trying to get into?—Upon my oath I could not tell. There was more than one. There were not 50, but there might have been 50. I could not say whether there were 10. I could not tell whether there was or not.

You swear that although there were a great many in the boat, you could not say how many, from one to 50?—I could not.

The *Coroner.*] You could not tell how many there were in it?—I could not.

Mr. *Julian.*] Was each boat along the quay as crowded as that you tried to get into?—I don't know.

Was the second that you saw as crowded as that you tried to get into?—I cannot tell.

Did you see anything flung from any boat?—No.

Nothing at all?—Nothing at all, but that Captain Dower wanted to come ashore. That is all I know about it.

You swear that you had not drunk more than a couple of pints up to that hour that day?—Yes.

How many public-houses were you in?—I could not say; I don't think I was in a public-house at all.

How many public-houses were you in in the morning?—I cannot recollect that I was in one at all.

Where did you get the two pints you drank?—I got it, but not in a public-house. Some of the drink I got was in Mrs. O'Neill's yard. I cannot recollect that I was in a public-house that morning.

You say, "I was not in a public-house up to two o'clock that day, and some of the drink I got was in Mrs. O'Neill's yard?—Yes.

Is that where Mr. De La Poer's voters were being

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being refreshed that day?—Yes; some of them. I could not tell whether the whole of them were there or not.

Mrs. O'Neill's yard was a place for Mr. De La Poer's voters to refresh in?—

Mr. *Waters.*] You said that, he did not.

Mr. *Julian.*] But I am asking him.

Witness.—Some of them were getting drink there. I was asked whether they were there, and I said some of them. I went in with another person.

Mr. *Julian.*] Then Mrs. O'Neill's house was a place where some of Mr. De La Poer's voters went to?—I could not tell how many.

Did you see any of them?—I heard from people there.

How did you know it?—I saw it posted up that Mrs. O'Neill's yard was the place for Mr. De La Poer's voters to put up.

Do you swear that you did not see some of the voters drinking there?—Not one at the time.

Mr. *Waters.*] What has this to do with the case? How absurd!

Mr. *Julian.*] I think the shoe pinches you. How uneasy you are getting!

The *Coroner.*] I don't see it either.

Mr. *Julian.*] I am testing this witness's honesty and truthfulness, and I will show you that it touches his truthfulness. Were some of the voters drinking there?—I could not tell you.

How could you get a drink if you did not see some of the voters get it?—I did not.

Who did you get it from?—O'Neill's servant gave it to me.

Is O'Neill's a public-house?—It is a hotel.

Were you there before that time that day?—No.

O'Neill's servant gave you the porter?—Yes.

What made him give it to you?—I could not tell.

Did you ask him for it?—No.

Were you there the day before?—I could not recollect that I was.

Did he say, "Meley, will you have a bottle of porter?"—Yes, I suppose he did.

Do you recollect something about the first porter that you got that day, that you paid for?—No sir; I said I paid for one pint of porter.

Did you say that you began by paying, and then ended by getting it for nothing?—No, sir; I told you I paid for a pint of it.

Did you tell me you drank two pints that day, and that you commenced by paying for it; where did you pay for the pint?—I paid for it at Pat Foley's public-house, in Blackpool.

Are you after swearing a moment ago that up to two o'clock that day you were not in a public-house; is that true or false?—(*No answer.*)

Was that true or false?—I don't know.

Are your ideas of truth and falsehood so vague as that you cannot tell whether you were in a public-house up to two o'clock that day?—I don't know.

Was that true or false?—(*No answer.*)

Was it?—I don't know; I suppose it was a mistake.

What other house were you in; I ask that answer to be taken down; that it was a mistake when he said he was not in any public-house up to two o'clock that day, and that now he says he was in Foley's public-house?—*Witness.*] Yes.

You were in one public-house that day before two o'clock; it was not true that you were in no public-house that day?—I was in one public-house that day.

A *Juror.*] Was it in Pat Foley's public-house or in Curran's house?—It was in Pat Foley's

Coroner.] What is your answer?——

Witness.] It was a mistake to say that I was not in any public-house before two o'clock that day.

Mr. *Julian.*] You commenced by drinking at Mr. De La Poer's, and you ended by drinking at Pat Foley's public-house?—Yes.

Were you in any other house?—No, sir.

What did you drink in Pat Foley's?—A pint of porter.

What are you afraid of?—I am afraid of nothing; I did not take anything but the porter.

Was there anything in the porter?—I could not tell that.

Re-examined by Mr. *Waters.*

Were you perfectly sober that day?—Yes.

Mr. *Julian.*] I am glad to find you ask that.

Mr. *Waters.*] I want you for a purpose; what were the people running away from the bridge for?—From the horses.

Were the horses chasing them?—They were.

Mr. *Julian.*] I object to that question; you are not to lead the Witness.

Mr. *Waters.* Is your evidence that the men on the quays were running, and the soldiers chasing them?—Yes, sir.

You were asked about vessels; did you see any people trying to get into vessels?——

Mr. *Julian.*] Let that be taken down; the former question.

Mr. *Waters.*] That the people were being chased by the soldiers at that time?

Witness.] Yes.

Mr. *Julian.*] Let that be taken down; Mr. Waters put the word into the Witness's mouth, and I ask it to be taken down. He says, that "the people were running away from the soldiers, who were chasing them."

Mr. *Waters.*] Do you say that?

Witness.] Yes; so far as I could see.

Was this before they came up to where you stood?—Yes, sir.

You were asked about vessels; but first, did you see any of these people molesting or attacking the soldiers in any way whatever?—No, sir; unless they might be doing it at the bridge.

I am speaking of the time they were running on the quay; did you see any of them molesting the soldiers?—No, sir.

Did you see any people getting into the vessels?—I could not say that I did; because the boats were too far out when they got to them.

Mr. *Julian.*] I will ask to have that taken down.

Mr. *Waters.*] The Coroner will exercise his own discretion as to whether or not he is to take down every answer.

Mr. *Julian.*] I ask this question to be taken down because it suits me; it does not suit

suit Mr. Waters, and I ask it to be taken down.

Witness.] They could escape to the vessels unknown to me.

Mr. *Waters.*] Do you know the entrance into the root market on the quay?—Yes.

How far was O'Brien standing from that when you saw him?—He was beside the little gap; that is, going in there.

What was he doing on the quay side?—I could not say; I suppose he was trying to get away, to make away with himself. He made away with himself when the two lancers passed him on the quay; he made an attempt then to cross the quay and run into the Linney. Two of the soldiers passed him at the moment that he attempted to run across into it.

Were there other soldiers charging down the quay after the first two?—There were, sir.

Do you swear you saw no stone with the deceased man?—I do, sir; I don't think he had.

Could you swear to the soldier that was coming down?—He was a foxy-complexioned man; but I think it would be a hard job to know him.

A *Juror.*] Can you describe the horse the soldier rode?——

Mr. *Waters.*] Can you say anything else that you observed about his appearance that would lead you to know him again?—No; but by his horse. He came up close to me when I had the dead man between my hands; but there was an officer came up and bawled after him, and he went away; I had him between my hands when he charged up to me and Captain Dower.

It was with the butt-end of the lance you saw him strike the deceased?—It was. The third man that charged past struck him about the poll of the head with the butt of the lance; when he was struck he fell on his face, and three other lancers came on. I could not say whether the first horse trampled him; but they rode over him. I picked him up and carried him into the Linney. When I was carrying him in, the same lancer rode back up close to me; he rode back up as far as could be.

Did he charge at you?—He did.

Mr. *Julian.*] I object to leading questions being put when the Witness is not under cross-examination.

Mr. *Waters.*] What did he do?—He charged up, and I had to lay the dead man down on my knees to get out of the way of the horse. I went back on one knee and let the dead man down on the other.

Was it for your protection that you put the dead man between you and the horse?—It was.

Mr. *Julian* asked the Coroner not to permit questions of this leading kind to be put.

Witness.] It was to protect myself from the horse.

Mr. *Julian.*] Mr. Waters must do his business legally and fairly, without putting words in the witness's mouth.

Mr. *Waters.*] I will get out the truth of this transaction. What did you do?

Witness.] I had to lay down the dead man to allow the horse to pass me.

Did you see the soldiers then go further down the quay?—I saw two of them ride down as far as Mr. Curran's.

That is beyond Mr. Keily's house?—Yes.

How far was that?—It was as far beyond it as it was beyond the bridge.

What were they doing then?—I could not tell; they had their lances in their hands, and were galloping on.

Did they follow the people into the root market?—They did.

Inside the walls of the market?—Yes, sir.

Mr. *Julian.*] I thought this would have been all direct evidence.

Mr. *Waters.*] If you did not bring out the facts, that is no reason why I should not.

Mr. *Julian.*] You have lapsed your proper time for it.

Mr. *Waters.*] Did you see them use their lances inside, in the root market?—I did not see them.

At the time that they chased the people into the market, was there any one molesting the soldiers in any way whatever?—In no one way that I could see.

Did you see any stones thrown?—No, I did not see one, as far as I could see.

Mr. *Julian.*] He is saying "ditto ditto" to everything Mr. Waters says.

Mr. *Waters.*] You will have a full opportunity of observing upon him afterwards.

The *Coroner.*] As far as you could see?

Witness.] Yes; I could not see anything inside.

Mr. *Waters.*] Were you standing directly outside the market?—Oh, no; for I was up near the quay side. I did not see any stones thrown there before the people were chased into the market.

Mr. *Dee* (a Juror).] Were you employed on either side during the election? (*Hissing.*)

Mr. *Julian.*] I would respectfully ask the Coroner to stop that improper conduct in the court.

The *Coroner.*] Those parties will have to be removed if that is continued.

Mr. *Julian.*] I will ask you to clear the court if there is another juror interrupted.

Mr. *Waters.*] Quite right, sir. It will be right to clear it if this conduct is continued.

Mr. *Dee.*] I asked, was he engaged on either side by the parties?

Witness.] No.

Another Juror (Mr. *Flynn*).] Do you think that man, the lancer, was sober?—To the best of my opinion he was not sober.

Mr. *Julian.*] Did you ever say that to anyone before?

Mr. *Waters* objected to having the question reopened again.

Mr. *Julian* affirmed that he had a right to ask the question, and asked for the Coroner's ruling.

The *Coroner* ruled against him.

Mr. *Julian.*] I submit that I had a right to it; first, that he was ever in conversation with the gentlemen of the jury before, and then whether he said that to the juror.

The *Coroner.*] I have ruled it.

Mr. *Julian.*] Do you object to allow me to

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to ask this question? Was that Mr. Flynn?

The *Coroner* said he would not allow it to proceed.

Witness.] Yes; I did not speak to him about it.

Mr. *Julian* respectfully asked to be permitted to put a question, as to whether the Witness had any conversation with the juror before he came into court?

Mr. *Waters* said it would be interminable if the question was to be re-opened by every question of a juror. The Coroner had now ruled that they could not re-open these matters again.

The *Coroner.*] I have ruled against it.

The depositions of the Witness were being read, when

Mr. *Waters* said:—I ask leave to put a question as to whether the Witness could identify the horse that the man rode.

Mr. *Julian* said it was irregular for Mr. Waters to put a question now.

The *Coroner.*] It would be better, perhaps, not to put the question at all.

Mr. *Waters.*] My object is to identify the rider of the horse that day.

Mr. *Julian* objected to the question being answered, as a like privilege was refused to him.

Mr. *Waters* requested the Coroner to put the question in the ends of justice.

A *Juror.*] I will put it. Do you know what colour the horse was?

Witness.] It was a dark brown horse.

Would you know it again?—It had white spots on the breast; but they might have been from the froth scattered from the mouth; I could not be sure of it; I might know him again.

You ought to be able to know a horse a second time?—Oh, by George, sir, it was not the horse that was troubling me at the time. The horse that lancer rode was a dark brown horse.

Another *Juror.*] Did you not swear on the last day that the lancer made two or three darts at the man?—I did, sir.

Another *Juror.*] My recollection of the evidence as you read it now, was that O'Brien was standing half way between Curran's yard and Keily's house; that the trooper came from the direction of the bridge; that this man ran towards the Linney, and consequently must have ran with his face towards the trooper, and I wish to ask him how it was on the poll that he received the blow of the lance?—I could not say whether it was half way or not; I said about that space.

Another *Juror.*] He did not say half way, but about half way.

A *Juror.*] That is a most important question.

Another *Juror.*] Did you say half way or about half way?

Witness.] About half way.

Another *Juror.*] Then he may have had his poll towards him.

The *Coroner.*] You could not say whether it was half way or about half way?—I could not say whether it was half way or not.

A *Juror.*] But you cannot say, from his position, whether he had his side or his poll towards the lancer or not?—He had.

The depositions of the Witness were then signed.

Mr. *Julian* suggested that this man should be sent to point out the place, and have a measurement of the quays made, and that the places should be pointed out to himself and Mr. Waters.

Mr. *Waters.*] Very well.

Mr. *Julian* suggested also that a map of the locality be made first.

Captain *Barry*, R. M., said he would give directions to have that done.

A *Juror.*] I ask you where this man was, where the soldier was riding to; how far he returned, and whether he came back?—I saw him come up towards Mr. Keily's.

The *Juror.*] I want to know how far the soldier drove the people along the quay unprovoked.

The question was objected to, and the Witness having been bound over in the sum of 30*l.* to appear if called on, for the purposes of a prosecution, retired.

Captain AUGUSTINE DOWER, being sworn, was Examined by Mr. *Waters*, and deposed:

Captain *A. Dower.*

WERE you on the quay on that Saturday, 29th December?—I was, on board of a vessel.

What vessel?—The "Johannes."

Is she your own vessel?—No, sir; I am Master of it.

Describe the portion of the quay where your vessel lay?—Just near Mrs. Curran's coal-yard, in Durgarvan.

Is that nearer to the bridge than the root shambles?—Yes, sir.

About how many yards from the bridge?—About 200 feet from where the vessel lay to the bridge.

Did anything attract your attention at the bridge?—Yes.

State what occurred; what you saw there?—I was on the vessel when I saw the lancers running on down towards the quay.

Before that, were there many people on the quay?—There were a good many.

How far down did they extend from the bridge?—That I cannot tell.

Opposite your vessel were there people there? Yes.

About how many?—That is a thing I cannot tell.

That is before the soldiers came down?—Yes.

About how many?—I cannot tell.

What were they doing there?—Nothing that I see of.

Did you see any stones thrown by them?—Not one.

Or in their hands?—No, sir.

State the first thing you saw about the soldiers?—Running down the quay after the people. I saw the soldiers and horses run down the quay.

They were riding and not running?—Yes; the soldiers were on horseback, with their lances drawn.

What

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What pace were they coming down the quay?—They were galloping.

Did they gallop in the direction of the root market?—Not then, sir.

What did they do, then?—I saw them going down the quay with their horses.

What did the people do?—They ran for their lives aboard my vessel.

Did many of them go on board?—The vessel was chokefull on the deck.

Did you see the soldiers using their lances on the quay?—No, sir.

Did you see the people doing anything to the soldiers?—Not a ha'p'orth.

Did you see the deceased man on the quay?—Not until I saw him falling.

Was that the first time you saw him?—That was the first time I saw him.

Was he nearer to the bridge or further away from the bridge than your vessel?—He was over by the Linney; he was further away from the bridge than from my vessel.

How far?—He was about 10 yards, or so, further from the bridge than from my vessel.

Did you see anything done to him by any one?—No.

Did you see any of the soldiers near him?—I did; a horseman.

You say you saw a horseman near him?—I did.

Would you know that man again?—I would not.

Would you know his horse again?—No, sir.

Did you see that horseman doing anything to the deceased man?—No, nothing.

Then what was the first thing you saw happen to the deceased?—I saw him fall forward.

Did you see what caused him to fall?—I did not.

Was the lancer near him when he fell?—Yes; there was a horseman near him.

Had he his lance in his hand?—He had.

Was the horseman near enough to strike him with the lance if he wished?—Yes; the man was down when the lancer was near him.

Mr. *Julian* applied to have the distinction drawn; that the man was near enough to have struck him, but deceased was down when he saw him; was he near enough to strike him before he fell?—I did not see him before he fell.

Mr. *Waters.*] Was he near enough when deceased was in the act of falling?—Yes.

When the man was falling, or in the act of falling, the lancer was near enough to have struck him?—Yes.

The *Coroner.*] When you saw the deceased falling, the lancer was near enough to have struck him?—Yes.

Mr. *Waters.*] Did you observe any other lancers on the quay besides that man?—I did, sir.

Could you say about how many lancers were there at that time; from 10 to five?—I could say more than five; I could not go any closer to it than that.

Were there any lancers of them in advance of this man, next O'Brien?—There were others further down along the quay.

After you saw him down, what did the lancers do?—I slacked out my vessel into the river in order that the lancers might not get near my vessel; I did not see what they did after.

Did the lancers approach your vessel?—They did not.

The *Coroner.*] What did you do?—I slacked the chain, and let the vessel out away, that the lancers could not get to any of the persons that had come on board.

Mr. *Waters.*] Were the lancers using their lances at that time?—They were using them in their own hands.

What were they doing with them?—They were holding them; having them ready for orders.

Did you see them pointed at the people?

Mr. *Julian* objected to the question.

Mr. *Waters.*] Let it be asked; did you see them pointed at the people?—No.

Mr. *Julian.*] You may take it now.

Mr. *Waters.*] After that man fell, did you see the lancer go on?—No.

Did you see where he went to?—I don't know where he went to; I was taking up a man that had fallen overboard; he attracted my attention.

Was this a man that was running away?—He had run for his life, and had fallen into the water.

The *Coroner.*] How were you occupied?—I cannot tell how the man got into the water; he went in for his own life, that the lancer would stab him if he did not leap in for his life; it was from the quay that he had leaped; he jumped from the quay to avoid being stabbed by a lancer.

Mr. *Julian.*] This man is only telling what he supposes.

Witness.] I took this man out of the water, and then I sings out to the people on the quay, "Is there a man amongst you to take the deceased up?"

Mr. *Julian.*] I object to anything about his singing out; it is not evidence here. The inquiry is to see what was done, and not what bystanders said; and if you are to have the explanation of every bystander on that occasion, the information would reach a voluminous extent. I object to the exclamation, and what he sung out, or what he did not.

The *Coroner.*] I cannot see why you object to it.

Mr. *Waters.*] The Court has ruled it, and you ought to be satisfied.

Mr. *Julian.*] I am not satisfied.

To Mr. *Waters.*] I took the man out of the water, and then sung out, "Is there a man amongst you to take the deceased up?"

Were the lancers there at the time?—No, I could not see them.

Did you see the deceased man picked up by the last witness?—No.

Did you see him picked up by somebody?—No.

Did anybody pick him up?—Yes, I picked him up first, and the other witness assisted me.

While Meley and you had a hold of deceased, at any time, did you see a lancer come back again?—No.

What happened when you and Meley had deceased?—We brought him into the Linney.

Did Meley take him up before that himself?—He told me so.

Did Meley take him up before you?—I did not see him doing it; he told me he did; I could not swear whether he did or not.

From the time you saw the deceased fallen, until the time you came out to pick up the deceased, and while you were saving the drowning man?—Well, I suppose about seven minutes.

Did you see any of the lancers down near Keily's house and down near the root market?—No.

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Did you see any lancers at all when you came on the quay?—No.

Did you remain with the man until he was taken to the workhouse?—No, I held on with him until the priest and doctor came; he was unable to speak from that time.

Do I understand you to say that there were no stones thrown on the quay by the people before this man fell?—I did not see them.

If there were any stones thrown you could have seen them?—Yes, of course.

But you did not see them?—No.

If you were looking out they could not be thrown without your seeing them?—Oh, yes; there were plenty of them could be thrown without my seeing them. I could not see the whole length of the quay.

But at the place where the man fell?—Oh, there were no stones thrown there.

Was there any thrown at that time?—No, no at that time. I did not see them.

Cross-examined by Mr. *Julian.*

About how many vessels were on the quay between Captain Keily's and the bridge?—Only two.

Only two?—My vessel and a yacht; there was a hooker below, opposite Captain Keily's house.

Then there were only three altogether, including that opposite to Captain Keily's house?—Yes.

Can you say that there were persons on each of those vessels, independent of the crews?—Yes.

Were there a good number?—A good many. There was a small hooker, my vessel, and the yacht from Captain Keily's to the bridge; the yacht was next the bridge; my vessel, the "Johanna," was next, and the hooker was last. My vessel was opposite to Mrs. Curran's coal-yard.

You say that there were a great many people beside the crews in these three boats?—Yes; a good many.

Were you preparing for sea that day?—No, sir.

Were you lying alongside the quay?—Yes.

Had you any cargo on board?—No.

Were you quite empty then?—Quite empty.

How long were you on board that morning?—No; off and on; I was on board three or four times that day.

How long at any time?—I was a quarter of an hour at one time. I was about the quay when I was on shore. I was on the quay an hour before that.

Did you see a crowd assemble anywhere about the bridge, and leading down towards your vessel before that?—Yes, I saw them there.

Could you say how many there were?—I could not say.

Were there 1,000?—I could not say; I don't think there were so many. I could not say 500. There are a good many heads in 500. I don't think there were 500 there.

Were there 300 or 400?—I don't think there were 300 or 400 either; but I won't swear that there were not 300 or 400 in it. I won't say that there were not 500.

For how long before this occurrence to O'Brien had you seen that number of people assembled there?—Well, I suppose about half an hour.

They were fully half an hour there?—They were.

Were they longer?—I don't think they were. That was between the bridge and my vessel.

During that same time, Captain Dower, were the persons on board the boats also?—No.

For about how long were the persons on board the boats?—From the rush was made down the quay by the lancers.

Not until then?—Not until then.

From the time you went on the boat you were attending to your own business?—Yes; I was attending to my own business.

You were not watching the mob?—No.

You cannot tell what that mob or crowd were doing during that half hour?—I cannot tell what they were doing. There were no persons on board the vessels until the lancers gave rapid way to their horses down along the quay, and then the people fled for their lives; there was no walking in them.

Was it on board your vessel that Meley tried to get?—I never saw the man.

Did you hear him swear that he tried to jump aboard a vessel, but that it was too far out?—I heard no such thing.

Did you hear Meley swear that?—I never saw the man until I saw him fall.

The *Coroner.*] You are under a mistake as to the man.

Mr. *Julian.*] I have it from you already that there were numbers of persons on board the vessels besides those who ought to have been there; now did you hear the witness Meley swear that he tried to get on board a boat, but that it was too far out?—I never saw the man until he was helping me to lift up the deceased.

Was it possible for him to get upon your boat?—He could not get out upon mine, for as soon as the boat was full of people I slacked out.

Did you see any stones with any people on board these boats?—No; there were no stones.

Were there any sticks on board the boats?—Yes.

Who had them?—I saw the spars of the vessels.

Mr. *Julian* said it was highly improper that the Witness should attempt to joke on such an occasion.

Did you, when I asked you the question, think I meant the spars of the vessels?—I don't know what you think.

I asked you did you see stones, and you said "No;" but when I asked you did you see sticks do you think I meant the spars of the vessel?—I don't know what you think.

Do you think you are at liberty to become witty on your oath?—I am on my oath, and I will tell you the truth.

Then you saw neither sticks nor stones with those on board the boats?—I did not see one on board my boat. They might have had them on board of other boats.

You saw O'Brien fall forward?—Yes.

Did you see Meley at the time when he fell forward?—No.

You turned to look at the man when he went overboard?—Yes.

Did you see any person trampling O'Brien when he fell?—No.

You saw the man fall first, before you saw the man jump overboard?—Yes; I did not see him jump overboard; I only saw him in the water.

When

When you saw the man fall, you saw nobody injuring him or trampling on him?—No.

Could you say for how many minutes. or was it a minute at all; you kept looking at the man after you saw him fall, before you turned to take up the man that was in the water?—Not above two minutes, when I heard the cry of a man in the water, and I turned to assist him.

For that entire two minutes did anybody trample on O'Brien, and injure him?—No.

When you turned back again, after assisting the man out of the water, was O'Brien still lying in the same position in which you had seen him fall?—I could not say for that; I saw the spot he fell in, but I could not say whether he moved or not.

As far as you could judge, was he in the same position?—I don't think he was.

Was he in the same as when he fell?—Yes, he was, but he had turned his face slightly. I could not say whether it was on the right or left temple he fell, but I think it was the left—the temple that was cut; it was on the left temple he fell first.

When you turned back again, after assisting the man out of the water, was he still in the same spot?—Not exactly in the same spot; I saw a sign of his legs dragged across, and come about a foot from the place in which he fell: I saw as if he was dragged. When I looked from the boat he lay as I saw him fall. The gutter appeared as if the man had been dragged.

Did you see the change of the foot until you got on the quay?—No; as far as I could judge, when I looked from the boat, he lay as he fell.

Was he lying by himself on the quay then, or was there anybody near him?—Nobody; no person in life.

You gave some order about your chain?—I went out and heaved in the chain; and as soon as I could get that done I leaped ashore, and went to the man's assistance; I got out to the vessel, and up to the man.

How many minutes did it take to get the vessel close into the shore?—About two or three minutes.

During all that time did anybody come to the assistance of the deceased?—No.

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After you reached the deceased, did Meley come up?—As soon as I raised the deceased I sung out for assistance, and Meley came up; he came up and catched him along with me.

The *Coroner.*] What time was there lost between your calling out and Meley coming up?—About a minute.

Mr. *Julian.*] If you had had assistance at your elbow, you would not have sung out for it?—No.

Did you leave the deceased until you put him in a place of shelter?—No.

Did anybody interfere with you while you were doing so?—No.

You took him into the Linney?—Yes.

Re-examined by Mr. *Waters.*

You say seven minutes elapsed between this man falling and your picking the other man out of the water?—Yes.

Twenty people might have picked him up in that time?—Yes.

You were not looking at what was going on at that time?—I was not.

The informations of the Witness having been read,

A *Juror* said—The Jury wish to know whether there were more than seven minutes elapsed, and if the man could have been moved by Meley during that time?—He might have been moved by Meley before that.

Another *Juror.*] A Juror wishes to know whether Meley might not have removed him without Witness seeing him?—I said he could have done so if he pleased.

After an adjournment, on the Court re-assembling,

Mr. *Julian* said—I may tell the Court that I have supplied to Mr. Waters the names of the officers of the lancers who were here on the occasion, with the exception of one officer, Colonel Sawyer, of the 6th Carabiniers; and none of the men of the Carabiniers were present on the occasion.

Mr. Robert Ronayne Kennedy, J. P., being sworn, was Examined by Mr. *Waters*, and deposed:

Mr. *R. R. Kennedy.*

You are a Magistrate of this county?—I am.

Were you in Dungarvan on the day of the polling, the 29th of December last?—I was, sir.

Where were you at about two o'clock on that day?—I was in the house of my friend Mr. Dwyer, where I had gone to rest myself; I think it was about half-past one or two, but I cannot be exactly accurate.

That house, I believe, is nearly opposite the Court-house, and faces down the quay?—It is rather nearer the bridge than the Court-house; it is partially facing down the quay.

From that house you can see what takes place on the quay?—A portion of it.

It is the last dwelling-house on the opposite side?—Yes, the last house with the exception of the Provincial Bank.

Were you at one of the windows of that house?—I was, sir.

Did you see a number of cars containing voters coming from the bridge—from the direction of the bridge?—I saw no cars, but there were voters coming over the bridge, and I saw a number of men walking, escorted by troops.

Were there troops on each side of them?—There were; a line of troops on each side, and preceding them.

And some in the rear?—Yes; I should say about 20 in the rear, of lancers.

Were all the troops lancers?—I should say that there were a number of infantry proceeding on foot, and I certainly think there were lancers in the rear.

How far did you follow with your eye the line of the voters that were so carefully guarded?—I think that the whole line of the escort included 300 paces. They had quite time to reach the square, and pass out of my line of view, before any collision occurred. I lost sight of them from the windows.

While the file of voters were passing in your

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view, were they molested in any way whatever?—Most emphatically no.

Either troops or voters?—Either troops or voters.

Was your vision fixed upon the voters and troops during the entire time they were passing?—Most assuredly.

After they had passed, did you see the troop of lancers do anything to the people who had collected there?—After the body of voters and escort had passed beyond my view, I saw the rear guard of the escort turn back and divide into two bodies.

Do you swear that up to that time no stone or other missile had been thrown at either voters or cavalry?—I swear that no stones had been thrown by the people upon either voters or cavalry until the cavalry charged upon the people.

Did you see one of the parties, into which the rear guard divided, turn towards the quay side?—I saw one portion of the cavalry charge the people down along the quay, as far as the Court-house would admit of my seeing.

At what pace did they charge them?—I saw the horses galloping.

Had they their lances levelled?—Most certainly.

Mr. *Julian.*] Now, I must object to the form of that question. "How had they their lances?" would have been the form of question.

Mr. *Waters.*] Was your notice particularly directed?—I saw a boy charged and trying to ascend the parapet wall between the bridge and the quay.

About what age was the boy?—He might have been 12, or he might have been 14 years of age.

Did the lad succeed in reaching the parapet of the bridge?—He fell down again.

What did he do then?—He made an effort to reascend the parapet, and while doing so, I saw him pierced in the back with the pointed end of a lance.

What occurred then?—I saw nothing more with reference to that occurrence.

Where did the lancer go?—To the best of my belief he went down the quay.

Mr. *Julian.*] I don't want your beliefs, sir; you, as a magistrate, ought to know that it is not evidence.

Mr. *Waters.*] What occurred then?—To the best of my belief——

Mr. *Julian.*] I object to this: we must have positive testimony.

Mr. *Waters.*] State, did you see any other lance used, and the circumstances under which it was used?—When the people had been charged, I saw some of them making over the iron railings, near the new building, and I saw one lancer pursue the people in there, and follow them with the lance; which side I don't know, on that occasion, which end he used; I swear he used the lance in that portion of land, an area covered with timber, and bounded by the railing; but I could not swear which end he used.

About how many lancers did you see charge down the quay?—Between 5 and 15. I shall swear that. I could not accurately tell what the numbers were; but I think they were between 5 and 15.

How far down the quay could your sight follow the lancers; as far as the "Johanna" lay?—I could not say.

Could you see as far as the yacht that was lying there?—No, sir. My observation was entirely confined to what occurred within my view, in the immediate locality of the bridge and Court-house.

Did you see the lancers going down the quay?—Yes.

And return?—Yes; about five to eight minutes elapsed between the time the lancers left my sight going down the quay until they returned.

Mr. *Waters.*] I propose now to ask, although my friend Mr. Julian will object to it, how soon after the charge, did he hear of O'Brien's death.

Mr. *Julian.*] I object to anything he heard. Nothing that he heard can affect the cause of death.

The *Coroner.*] I think it is an admissible question.

Mr. *Julian.*] And you rule that it is admissible.

The *Coroner.*] Yes.

Mr. *Julian.*] You may as well admit everything.

Mr. *Waters.*] Capt. Keily's death will fix it; how soon after the charge of the lancers down the quay, did you hear of the injuries to this man O'Brien?—I did not hear of this man O'Brien's death till three days afterwards; but I heard that one man was mortally wounded, and several others injured in that charge; of eight or en others.

Mr. *Julian.*] And now let the Coroner take down that hearsay evidence, and my objection to it.

Mr. *Waters.*] Oh, certainly, let him; but this court is not bound by the strict rules of evidence.

Mr. *Julian.*] But let the objection be taken down. I hope this is a court of law, and nothing else.

Witness.] A medical gentleman said to me that one man had been mortally wounded in the affair.

Cross-examined by Mr. *Julian.*

To show the value of that, I will ask you a question: how soon after did the medical gentleman tell you?

Witness.] Five minutes.

Who was he?—Dr. Anthony.

Where did he tell it to you?—In the public streets, opposite the Court-house.

Had you left the house?—Instantly.

I am glad to see you were quite right in taking care of yourself by ensconsing yourself in a house. You are a magistrate?

Witness.] I don't think you are right to pass a comment on my conduct.

Mr. *Julian.*] I shall examine you as I please, sir.

The *Coroner.*] That question has been asked and answered. He is giving his evidence fairly.

Mr. *Julian.*] I must have an answer; are you a magistrate?—

Witness.] You have commented on my conduct,

duct, and you had no right to do so, or to adopt that line of examination. You said I went into a place of safety.

Mr. *Julian.*] You cannot deny that you were there when this was going on; are you a magistrate?—I am.

Are you an orator?—Well, I don't know.

You went about speech-making at the elections?—I did; I did not go about.

On behalf of Mr. De La Poer?—I did, sir; and I am not ashamed of it.

Mr. *Julian*] You are not ashamed ——

Mr. *Waters.*] There was nothing in it to be ashamed of. It was well to be on the right side, Mr. Kennedy (cheers).

Mr. *Julian.*] You did not call anyone to order for this conduct, Mr. Coroner.

The *Coroner.*] If you ask me, I will order the court to be cleared.

Mr. *Julian.*] I will ask it if these demonstrations are proceeded with. A short time ago you called me to order for asking a gentleman was he a magistrate; and yet you allow this.

The *Coroner.*] It is quite right to stop it; and I will clear the court if it is persisted in.

Mr. *Waters.*] That is quite right.

Mr. *Julian.*] Did you preside in this Court-house last Saturday?—I did not. I sat, but I did not preside.

Did you adjudicate?—I did; but I did not preside. Presiding is occupying the chair.

How did you do?—I was not chairman.

Is that your distinction between adjudicating and presiding in the County Waterford, that a magistrate does not preside unless he is chairman?—I shall not quarrel with you about words, sir.

But you are after correcting me?—I did not preside, but I acted with my brother magistrates.

Is that the distinction?—I shall not say.

I ask you, sir, on your oath, when you are in the habit of adjudicating but not presiding, are you in the habit of allowing the witness to select what questions he will answer or what he will not?—I shall not repeat my evidence.

The *Coroner.*] Do you think that this evidence has anything to do with it: I don't think it has.

Mr. *Julian.*] It struck me that from the beginning to the end he did not say a word bearing on the matter we are inquiring into.

Mr. *Waters.*] Then you should not cross-examine him.

Mr. *Julian.*] I will cross-examine him as far as it goes.

Did you act at all as a magistrate that day in preservation of the peace of the town?—Certainly I did.

Will you tell me some one act you did that day?—One of my first acts after the occurrence was to represent it to the first stipendiary magistrate I met.

Up to that time would you oblige me with any one act in reference to the peace of the town, up to the time you had retired to refresh yourself?—Yes; I was tired, and went in there.

Then you were sitting there to refresh yourself, tired from electioneering?—Yes, sir; I did the best I could for my party.

Did you see, while you sat in that window, a number of persons congregated at the bridge at that time?—I saw some.

Do you think as a magistrate that is an answer to my question?—I swear most distinctly that there were not more than 150 or 200 people there, on the quay and bridge.

Do you think it better to answer me "some" than by saying a number?—I could not call it a large number.

But were there a number?—Yes.

Now I will ask you the number upon your oath?—I believe that they were not more than 150 or 200.

You would not call that a number?—I would not call it a large crowd.

Now, sir, I will ask you to take that evidence down; he says that while he was at the window he saw 150 or 200 persons congregated on the quay or bridge at that time.

Witness.] I did not say that they were congregated on the quay, but only in the vicinity of the bridge; for I did not see the whole of the quay; I saw only about 50 yards of it.

Mr. *Julian.*] I ask you as far as you saw, on the part of the quay you saw, close up to the bridge, did you see this number of persons; did you see that number congregated?—Certainly; I saw them on the quay and in the vicinity of the bridge.

Did the windows you were looking from look in more than one direction; could you see at all to the other side of the bridge?—There is no quay at the other side of the bridge; it is railed in by railings, that piece of land.

Could you see that piece of ground from the window?—Certainly.

Now, when you named the 150 or 200 persons on the quay, I ask you, did you include the inclosed space at the opposite side of the bridge?—I included it.

Then, at both sides, including the inclosure, do you swear that there were no more than 150 or 200 people there, as far as you saw down the quay, were there no more people?—There were not until they were charged.

But I am talking of before the charge?—No, there were not.

For how many yards down the quay were they standing there while quiescent?—They were not down the quay at all, farther than the ———— There was nothing to see further.

Do you venture to say there was nothing on the quay before the lancers came down?—I distinctly swear that I don't believe there were one dozen people on the 50 paces of the quay that came under my observation.

They were close up at the bridge?—No.

How long had you been in the house?—I think I was about 10 minutes, not more.

How long had you been in the vicinity of the bridge, besides the 10 minutes?—I had been in the vicinity of the Court-house all day; but I did not go down to the bridge.

How long were the 150 or 200 people assembled at the bridge?—They were certainly assembled there for the 10 minutes we were in the house; I did not pass through them.

Do you mean to say that it is necessary to pass through them in order to know that there is a crowd?—I did not pass through them; I could not swear how long they were assembled there; while I was in Mr. Dwyer's window, I most distinctly and positively swear that there were not more than 200 persons assembled there.

Then the voters had not come up when you went into Dwyer's house?—They had not.

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(*After a pause.*) I should like to say, that fearing it might be said I was a spy, or a detective, on the military or the voters, that when I went into Mr. Dwyer's house that day, I did not know that they were to pass: I mention this lest I should be thought a spy or a detective; I did not know that the escort was coming up at the time.

Mr. *Julian.*] Repeat what you said as to being a spy or a detective?—

Mr. *Waters* objected to have it taken down.

Mr. *Julian* asked that it be taken down.

Witness.] The reason why I said that is that you threw a suspicion on my conduct in going in to Mr. Dwyer's; I went in to rest myself.

Mr. *Julian.*] I assure you I never had such a suspicion, I never suspected that you went as a spy there; I only suspected that you went there to take care of yourself.

Did you, before going into Mr. Dwyer's, take any steps to disperse those 200 people?—I certainly did not, sir, inasmuch as I did not see them interfere with the voters.

But at that time they had not come in?—Various voters had come up.

Mr. *Waters.*] I should think they had as much right to be there as the soldiers.

Mr. *Julian.*] I only want the fact recorded; any of Captain Talbot's voters?—I think not; I swear there was no necessity for me to have them removed, for the poor people were very quiet and orderly.

I will comment on that by and bye; he was a magistrate, who did not take any steps to disperse mobs of parties who were assembled there that day.

Witness.] I did not call them a mob, but I called them "poor people;" they were most orderly, and there was no necessity for dispersing them.

Mr. *Julian.*] Were they a mob: I was quarrelled with about a word before; were they a mob, on your oath, or not?—I have described them as "people."

Were they a mob; do you know, as a magistrate, what a mob is?—They were the people until they forgot themselves.

Were they a mob?—They were not a mob, for they were not riotous.

Did they become a mob and riotous?—I won't say they became riotous, but I mean to say——

Perhaps you would answer my question?—I mean to say that they took no means to assault.

Did they become a mob, and become riotous; I don't want your definitions?—You are putting me to the trouble of giving definitions.

Did they become a mob?—I don't believe they became a mob.

Nor riotous?—Nor riotous.

Have you any objection to tell me what you went into Dwyer's house for; was it with any other object than to rest yourself?—

Witness.] What other object do you mean?

Mr. *Julian.*] It would be hard for me to tell that.

Witness.] What object could I have?

Mr. *Julian.*] It is a very simple question for you to answer?—I told you before that I went in there to rest myself, after the exertion of the day.

Testing your evidence, I ask you now, can you answer the question?—Upon my solemn oath I had no other object; I went there simply because it was a ———— place, where I could sit down.

Do you swear as a fact, that you had from where you stood a full opportunity of seeing all that took place at the bridge, either by the crowd, if you will have it, at one side or other, to be able to swear that there were no stones thrown?—I saw the whole of it.

You had an opportunity of seeing the whole of what took place on the bridge?—I had; always confining myself to 50 yards down the quays from the bridge. It was 50 yards down along the quays, and the whole of the area bounded by the iron railing. The quay is at one side and the railing at the other.

And during that time no stone was thrown until the lancers went down the quay?—No stone was thrown, or missile of any sort, I swear it most positively, until the lancers charged down the quay.

I think you said that from the time the lancers charged down the quay until they returned back, it was from five to seven minutes?—Yes.

And you did not stir from Mr. Dwyer's house all that time?—No, I did not.

Who was the little child that was pierced by a lance?—It would be very hard for me to tell.

You never inquired since?—I never did.

And never took any trouble to learn?—I never did.

Your words were, that he was pierced by the lance; did you mean to swear that; you know the meaning of the word "pierce" at all events; do you mean to swear that he was pierced by a lance?—I mean to say that I saw a lancer ——

Do you mean to say that he was pierced by a lance?—I did not mean to say ——; what I meant to convey was, that I saw a man using as much violence as he could use in striking the boy's back with the sharp part of the lance; but I could not swear whether the child was pierced or not.

The *Coroner.*] You say you could not swear that he was pierced by a lance?—I say that I could not say whether he was pierced by a lance; but I swear that I saw the man use as much physical force as he could in striking the boy's back with the sharp end of the lance; but I could not say whether it entered the boy's back or not.

Mr. *Julian.*] Do you, sir, as a magistrate, know the value of words or language in a court of justice; but perhaps you will take it as an offence if I should put the question?—I should apprehend that I do, sir.

Then if I had let you off the table without coming back to that question, do you believe that any man in court could have come to any other conclusion but that it had entered his body?—

Mr. *Waters.*] He did not swear it did not.

Mr. *Julian.*] I ask you are the words you used calculated to show that the body was pierced by a lance?—My belief is that it was ——.

I don't want your belief?—It is my conviction.

Your conviction is, that the lancer having pierced the child's body with all the physical force he could use, you never took any trouble, as a magistrate,

magistrate, to find out who it was?—I did not; it was not my province.

Did you remain inactive in the window?—Yes; most certainly I did.

Did you not remain until the lancers came back while an outrage of that sort was perpetrated in your presence?—Will you allow me to explain?

Oh, yes; give an explanation why you, a magistrate and a man, was not roused about this; why your blood and indignation were not roused by it?—

Witness.] I will explain. Mr. Coroner and gentlemen of the jury. Gentlemen, when I saw this act perpetrated I saw no magistrate near me; but Mr. John Healey, of Cappoquin, was close by me, and I asked him, for God Almighty's sake, to go to a magistrate and ask his interference, and save the people from being massacred.

But you stopped quietly inside?—I did; but it was not to spare myself I remained inside; the local magistrates that day took no part in the preservation of the peace; where there were four or five stipendiary magistrates.

Mr. *Julian.*] I wish you to take down, that while this magistrate saw a lancer use as much physical force as he could, piercing the body of this child, he did not leave the house, but looked on at the perpetration of it.

A *Juror.*] Would you have exposed yourself to injury at the time amongst the crowd unless the officer had known you?—I believe, sir, that if the high sheriff of the County Waterford had been in the crowd he would not have been safe from the lancers. (Applause.)

Mr. *Julian* protested against these demonstrations being permitted.

Witness.] What I said was this, that my conviction is that if the high sheriff of the County Waterford had been in the crowd that day, they would have pierced him as they did the other persons in the crowd that day, and that if I had gone out to risk my life, I would have shared the same fate; that was during the charge we were speaking about. I say that I would have been assaulted by the military as well as the other parties were.

Mr. *Julian.*] What is the meaning of your explanation; is it that you were afraid to go out?—

Mr. *Waters.*] That is an explanation in answer to a question from a juror.

Mr. *Julian.*] And it was most irregular and unfair for the juror to take him out of my hands and suggest a motive; but it having been done, I have a right to follow it up. If you, Mr. Coroner, rule that the witness is to be taken out of my hands at every moment, I shall leave the inquiry in your hands. It is irregular, and I must stop it. I ask this gentleman, was the meaning of this explanation that it was he was afraid to go out?—Certainly not; as far as I am myself concerned, I would have risked myself a hundred times to save the people.

Were you afraid to go out?—I had no influence with the military.

Were you afraid to go out?—(*No answer.*)

Then this explanation all goes for nothing, that the high sheriff of Waterford would have got this treatment, if you were afraid to go out?—I have expressed the same opinion in a great many other places.

I don't care about that; was it fear or not that prevented you going out?—It was certainly no physical fear that caused me to remain.

Why did you remain in the house while the lancers were going down the quay and back again, and while the children were being pierced?—If I had gone out I would have shared the fate of others who suffered, and I would have done no good.

What is your explanation?—It is simply because the soldiers were labouring under such excitement at the time, that no one would have had much influence with them; none in Dungarvan could have restrained them.

Well, let the Government judge of that; it was not of the crowd or mob you were afraid?—I certainly was not afraid of the crowd or mob.

In fact, that whole day, they were the best conducted crowd that ever assembled at an election, were they not?—I saw the crowd at other elections a great deal more excited.

I ask you, were they the best conducted crowd that ever assembled at an election?—I will content myself to say that they were a well conducted crowd, good humoured, from what came under my own observation; that is as far as my own observation went. I will commit myself to that.

Might I ask, Mr. Kennedy, if you saw your own child of 12 years of age pierced by a lance with all the physical force that a lancer could use, would you have gone out to see what became of him?—

Mr. *Waters.*] You cannot answer this.

The *Witness.*] Mr. Coroner, am I bound to answer this?

Mr. *Julian.*] I want to see how far his conduct would be influenced towards his own children, and how it could be for his town's-people's children.

Mr. *Waters.*] Have you any children?—*Witness.*] I have not yet, unfortunately.

Mr. *Waters.*] Then you cannot tell.

Mr. *Julian.*] Then this boy that you saw tried to ascend the parapet, but fell back, and tried to ascend again, and while doing so, one fellow tried a blow with the point of his lance at him; is that your swearing?—No, sir, it is not.

Did one fellow stop to prick him on the back with the lance when every other man had marched down the quay?—He singled out the boy and pursued him four or five paces. The boy tried to ascend the parapet, but fell. He tried again, and as he was not getting up the parapet sufficiently fast, I saw the Lancer making a blow at the boy's back.

Did he stop to do all that?—How could he do it if he did not stop? He remained close by the boy. He pursued the boy to the parapet, and remained while the boy was getting up the first time; but the boy fell down and got up again, and then, while he was getting up again and trying to ascend it, I saw the lancer making the thrust which I described a while ago. That is my answer. It was the work of a moment. The boy ran as hard as he could, and the lancer pursued him as hard as he could. He thrust the lance point at his back, but of course I could not tell whether it entered it or not. My conviction is that it did enter him.

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Had the other lancers scampered down the quay then?—No; there were some of them in the inclosure at the other side.

Was he the only fellow at that side?—There may have been others; but I did not notice any but him. That incident attracted my attention.

Yes, but you took it very easily all the while; it was an occurrence fit for Caffreland, if it occurred at all. Did any one else witness that occurrence but yourself, in the one room or the one town; did any one see that piece of brutality but yourself?—I could not tell, sir; I could not remember any other persons who saw it but myself.

Have you any objection to tell me how many were in the room with you?—I think there were two at the time; but there may have been two gentlemen come in afterwards; there were certainly two at the time. One or two people did come in while I was sitting there. These gentlemen were sitting on chairs, but there was an old stool on which I sat, and which allowed me to have a better view of what took place than any other person in the room.

How far was the boy?—About 50 yards.

About 50 yards from you at the occurrence?—Yes.

I don't know the points of the compass, but I want to know when you stand on the bridge facing towards the Court-house, is Kiely's Quay to the west or east?—To the east.

Well then, the west-end is the Shandon side?—Yes.

That did seem a curious margin about the number of lancers that went down the quays; you could not swear whether it was five or 15?—I could not swear it.

Did you see them coming back again?—I did.

While you were in the house?—Yes.

Having seen them start and come back, could you tell us whether it was five or 15?—There was a portion of them went down the Shandon side, and a portion of them down the quay side.

Having seen them start and come back, can you say what number they approached nearest?—I could not, for they joined the others.

Then that five or 15 were no part of the people that charged the people at the west end of the bridge?—I think so.

About how far were you from the lancers that charged the people at the west or Shandon side of the bridge?—About 50 yards.

That being so, and I having your answer taken down here, that the reason why you could not tell which end of the lance was used by the lancers at the west side, was on account of the distance; how can you tell that it was the point at one side, and cannot swear that it was the other end, 50 yards away at the other side; account for that in some way?—The reason of it was this: there was nothing intervening between my observation and the boy; but when the lancers entered into the area, the number of persons who were trying to escape from them, and who were climbing over the iron railings, of course they formed a difficulty in my observation, and when the line of people that were trying to escape from the lancers came between me and them, I could not possibly see whether it was the sharp or other end of the lance that was used.

Whether were the lancers on horseback, as they rode on, or the people the highest?—I said that the people were trying to escape over the high railing.

But I say, were not lancers between you and the railings?—No.

Were the lancers inside the railings?—I mean to say it.

Then the lancers that you were speaking of, you swear were inside the railings; how many of them?—I will only swear as to one.

Do you now swear that, whatever you swore before, you only meant one lancer?—There was a misapprehension; there was only the one lancer on the Shannon side.

Then, there were more than one lancer who charged the people up to the railings; but there was only the one lancer that got inside the railings, for all you know?—Yes.

Then were the lancers following them up to the railings?—Certainly.

How many?—I could not possibly say; but I will swear to four or five; I cannot say how many.

Then it was outside the railings they were attempting to ascend?—It was.

Did you swear before, Mr. Kennedy, that it was then the lancers attempted to use their lances; but that you could not say which end?—I don't know.

Did you swear it before, and if so, would it be true?—Not at that particular time, I won't swear that I saw the lancers using their lances then; but I saw the lancer who got in using his lance.

Can you say which end he attempted to use?—I cannot.

Did you say that it was in consequence of the distance?—I don't believe I did; it was the obstruction of the people that stopped me; I don't believe that I gave the distance as my reason.

Whatever you gave as a reason before you now swear that it was obstruction of the view?—Yes, certainly.

Now, I ask you, was the whole of the lance hid by the obstruction of the view by a man stuck on the railings?—I don't know that.

Do you know that the flag indicates one end if you were a mile off?—I do.

Could you not say which end the flag was on, or was the whole of the lance hid from view?—I cannot tell.

Re-examined by Mr. *Waters*.

You were asked by a juror why you did not go out, and you said you asked Mr. Healy to go for a magistrate; what did you mean by a magistrate?—

Mr. *Julian*.] I object to what he meant.

Mr. *Waters*.] Was it not a stipendiary magistrate?—Certainly; for the local magistrates had no authority in the matter.

Did the local magistrates interfere in the management of the affair at all?—I don't believe that they did.

Were there resident magistrates there?—There were.

How many?—There were four.

It was one of those you meant when you said for Mr. Healy to go for a magistrate?—It was one of those that I meant.

Mr. *Julian*.] Then a magistrate can look on while murder is being perpetrated?—

Witness.] At a meeting of magistrates held

held a few days before, it was agreed, and they informed each other that they would take no action at all in connection with the military, and it was understood perfectly amongst ourselves that the responsibility of the day and the control of the military and management of affairs should be left on the stipendiary magistrates; it was agreed that if we were called upon by the resident magistrates for the protection of the voters, we were to act to protect them; but that if otherwise we were to leave all to the stipendiary magistrates.

Mr. *Julian.*] They were not to look on from the drawing-room windows while the people were being spiked; was that meeting you spoke of one of Mr. De La Poer's supporters?—

The Coroner.] You need not answer that.

Mr. *Waters.*] Don't answer that; he said it was a meeting of magistrates.

Mr. *Julian.*] I will put the question: Was it a general meeting of the magistrates or a meeting of Mr. De La Poer's supporters?—

The *Witness.*] I will answer that; there were three or four magistrates there who were politically opposed to me, and that announced this was the course to adopt.

A Juror.] Were Mr. Droger's windows raised or lowered while you were in the window?—Undoubtedly raised up.

The depositions of Witness were then read and signed, and he was bound over in 30 *l.* to prosecute upon them if called up.

Mr. *Waters.*] It being evident from what has transpired to-day that a certain amount of *primâ facie* case exists against the soldiers of this troop who were here that day, and as we will have some difficulty in identifying this man who was proved to have struck the blow, I will tell Mr. Julian that, of course, we should have the troopers of this troop and their horses; that they should be here for the inspection of the witnesses.

Mr. *Julian.*] I am not the person for such an application to be made to. If Mr. Waters was serious, he would not have thought of making such an application to me. The idea of thinking that an attorney could have a troop of dragoons brought here is absurd; and applying to me for such a purpose.

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Mr. *Waters.*] Major Wombwell is in court, and if Mr. Julian is correct in saying that he is representing the military, he would have no difficulty in having every man of the troop, with their horses, that were here that day, brought here for identification. (Cheers in court.)

Mr. *Julian.*] I would ask you, Mr. Coroner, whether you are accustomed to these sort of demonstrations in your court.

The *Coroner.*] We must exclude these people to-morrow if they persevere in it.

Mr. *Waters.*] I only take this opportunity of mentioning the matter to Mr. Julian.

Mr. *Julian.*] Mr. Julian will examine and cross-examine witnesses, and that is all he will do; but if you want a troop of dragoons brought here you will have to apply to the proper quarters.

Mr. *Waters.*] I will do nothing further than I have done, Major Wombwell being in court, let him now deal with it.

Mr. *Julian.*] I believe that if the lancers came into the town—and I don't think Major Wombwell has any such intention, or has any such object in view—if the lancers came into the town, I have heard observations leading me to think that they would not go out of it safe; and there are plenty who are listening to me believe what I say to be true. (Loud cheers.)

A person in court (a butcher).] Upon my word, it would be a bad job if they would be allowed out, the blackguards. They are the greatest blackguards that ever were here. (Applause.)

The Court then adjourned till 10 o'clock the following (Tuesday) morning.

Third Day.

Tuesday, 8th January 1867.

The Court met at 11 o'clock A.M., when the names of the jury were called over.

Mr. *Flynn* (a juror).] I wish to say that yesterday, Mr. Julian, you threw out an insinuation as to the last question I asked Mr. Meley. The question was as to whether the lancer was sober, and you insinuated that I must have had a conversation between that time and this; but I wish to say that I had not a single word with him, and that I have not seen him since last Monday week at the workhouse.

Mr. *Julian.*] Well, Mr. Flynn, since you have chosen to address me, and know the subject, I have to say that I did ask him whether he had a conversation with you, inasmuch as I am in a position to prove that since you were sworn as a juror, and I have witnesses to prove the fact, you have gone over the country to get evidence against the military on this occasion. I ask whether you can deny that. 8 January 1867.

Mr. *Flynn.*] You will find that out.

Mr. *Julian.*] I ask you now whether you will deny it, for I will ask the Coroner to take action in the matter. I ask you, Did you go to Mr. Whelan's public-house for the purpose? Can you deny that?

Mr. *Flynn.*] I did not.

The *Coroner.*] I think this is quite irregular.

Mr. *Julian.*] It was the juror commenced it, sir, and I will give you sworn evidence that after you swore that juror here he did this.

Mr. *Flynn.*] I saw the statement in the "Examiner" this morning.

Mr. *Julian.*] It is very odd that he is the only juror out of twenty that asked a question

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of the kind, and I will ask the Coroner to take action in the matter.

Mr. *Flynn.*] I will reply to it at the proper time.

Mr. *Julian.*] You will be asked to reply to it, or to deny it.

The *Coroner.*] This is quite irregular, and it must not go on.

Mr. *Julian.*] The juror has introduced it, and I must remark on it.

The *Coroner.*] It must not go on. Let us proceed now.

ALICE CROWLEY, being sworn, was Examined by Mr. *Waters*, and deposed:

A. Crowley.

WHERE do you live?—At Captain Kiely's.

In Dungarvan?—Yes.

Were you a servant to the late Captain Kiely?—Yes, sir.

Were you at one of the windows of his house on Saturday, the 29th December last?—Yes, sir.

Did you see the lancers coming from bridge down the quay towards Captain Kiely's house?—Yes, sir.

How were they coming?—Down the bridge.

Were they walking, trotting, or galloping?—No, sir; they were galloping as hard as ever they could.

Did you see them carrying their lances?—Yes, sir.

How?—They had them in their hands, sir; but I don't know anything about that.

How far up the quay could you see?—I could see up to the arch of the bridge.

Could you see where the "Johanna" vessel was lying, opposite to Mrs. Curran's stores?—Yes.

And the yacht?—Yes.

Did you see people on the quay?—Yes.

What were they doing?—They were doing nothing; they were running up and down the quay as hard as ever they could, when they saw the charge coming down from the bridge.

Were they running to attack the lancers, or to fly away from them?—To fly away from them, sir.

Did you see them jump into the vessels?—I did, sir.

Did you see a man jumping into the water to escape the lancers?—I did not.

Mr. *Julian.*] You ought not to ask the witness questions that will lead her.

Mr. *Waters.*] Well, she did not see it.

Did you see any person attempting to resist the lancers who attacked them?—No, sir, I did not.

Did you see any stones thrown?—No, sir.

Did you know William O'Brien, the man who lost his life there?—No, sir, I did not know him.

Did you see a man on the quay nearly opposite the Root market?—I did, sir.

What was he doing?—He was doing nothing at all, sir.

Did you see the lancers approach him?—I did, sir.

Mr. *Julian.*] Now I am surprised! I must ask you not to lead the witness.

Mr. *Waters.*] I don't know that I could put a fairer question.

Mr. *Julian.*] I beg your pardon; you could ask her what she saw.

Mr. *Waters.*] I don't know that I can do it fairer.

Mr. *Julian.*] You must not take her that way. She must not be asked did she see so and so, what she did see, and what she saw done to him. Your next question might be, did she see the lance driven into him.

Mr. *Waters.*] It was not, indeed, to do anything of the kind. (To *Witness.*) How did he approach him?—They were running down the quay, the lancers were, with great speed, and this man was standing near the Root market. The lancer made a charge at him, and threw him down.

The *Coroner.*] At whom did the lancer make a charge?—At this man where he was standing on the quay.

Mr. *Waters.*] Had the lancer a lance in his hand?—He had, sir.

How did he carry the lance; had he it lifted in that way?—He had it up straight in his hand; he carried it so (*perpendicular*).

Mr. *Julian.*] May I ask, sir, what you have taken as her last answer?

The Coroner.] The lancer had a lance in his hand, and he carried it up straight in his hand.

Mr. *Waters.*] When the lancer came up to the man, did his horse come between you and the man, or the man between you and the horse?—The horse was between me and the man, sir.

What happened the man then?—He threw the man down and jumped the horse; the lancer turned the horse on his feet and danced on him again.

The Coroner.] The lancer turned the horse and danced on the man?—Yes, sir; he danced on his feet, but not on his body.

Mr. *Waters.*] What did the lancer do then?—He came down part of the quays, and then he turned back, and turned into the Linney, where the people had gone, away from him.

What do you call the market?—The Linney; he went into the Linney where the people went, away from them.

Were there many people in the Linney at the time?—There were, sir.

What were the people there doing?—They were trying to get away from him. He was darting at them with his lance.

He was darting at them with his lance?—Yes.

Was there more than one lancer in the little market?—Not at that time.

Were the people in the market assaulting him, or throwing stones at him?—They were not, sir; they were trying to escape from him as well as they could.

Was the man lying on the quay during this time?—He was, sir.

Did you see any other lancers on the quay besides this man?—I did, sir.

Did you see any come down the quay while the man was knocked down?—I did, sir.

Do you think you would know the first lancer that knocked the man down first?—No, sir, I would not.

Would you know his horse?—His horse was black, or dark brown.

Captain Kiely's house is some distance from the spot?—It is, sir.

The *Coroner.*] His horse was black, you say

Mr.

Mr. *Julian.*] Black or dark brown, she says.

Witness.] Yes, sir.

Mr. *Waters.*] I believe Captain Kiely's house is about 20 yards from this spot?—Yes, sir.

And you were in one of the windows?—Yes, sir.

Did you see any of the lancers that came that way after the other lancers went away, doing anything to the man lying on the ground?—I saw one of the lancers make a dart with his lance at the man on the ground, but he did not reach him.

The *Coroner.*] He darted at the body on the ground, but did not reach him?—

Witness.] Yes, that is so.

Mr. *Waters.*] Perhaps you would read that answer.

The *Coroner.*] "I saw one of the lancers make a dart at the body on the ground; it did not reach him."

Mr. *Waters.*] That is quite right. After passing this man on the ground, what did the lancers do?—They went at full speed down along the quay.

But what were the people on the quay still doing?—The quay was cleared away by that time, sir.

The *Coroner.*] Were there any people on the quay at this time?—There was not, as far as I could see, unless they were running into the vessels and boats away from the lancers.

Did you see any people at that time collected about Captain Kiely's door?—Not at that time; There were three persons there, Captain Kiely and three persons.

The *Coroner.*] There were four altogether?—Yes.

Mr. *Waters.*] As long as the lancers were collected on the quay, did you see any more people collected about Captain Kiely's door?—No, sir.

There were four altogether?—Yes.

Describe where they were exactly above the door?—Captain Kiely was standing at the step of his own door, and a man also; a man between him and the railings, and there was a woman there, and another man.

Mr. *Julian.*] I don't see the importance of this at present, for this inquest. We will have to inquire into all this in Captain Kiely's inquest. If Mr. Walters sees the importance of it, I don't.

Mr. *Waters.*] I do. It is most important in this case as well.

Mr. *Julian.*] Very well; but I don't see it.

Mr. *Waters.*] I do.

The *Coroner.*] She says Captain Kiely was standing on the steps; there was a man between him and the rails, and there was a woman in the gateway?

The *Witness.*] Two men next the rails.

Mr. *Waters.*] That makes four men altogether. At this time, was there any crowd of people at this or any part of the quay?—No, sir; not that I saw.

The *Coroner.*] I have that already; they were on board the vessels.

Mr. *Waters.*] Was there any attack made by any of the persons about Kiely's door on the soldiers?—No.

Or any stones or missiles thrown?—No, sir; not a stone thrown.

Or anywhere on the quay?—No, sir.

Tell what you saw a lancer doing there?—The lancer that was in the Linney?

Mr. *Julian.*] You will take me as objecting to this, as in one way relevant to the present inquiry. I think myself it will be more for the parties I represent.

Mr. *Waters.*] I submit that I have a right to prove everything that was done by them that day; every word said by them, and everything done by them, from the moment they mounted their horses until they dismounted.

Mr. *Julian.*] Let the Coroner rule it.

The *Coroner* having ruled against Mr. Julian,

Mr. *Waters* proceeded.] Tell what he did?—I saw the lancer that made the charge, come out of the Linney, and down to where Captain Kiely was standing on the step of his own door; he made a charge, and a dart at his neck; but the dart did not avail at his neck. He turned again, and then made a dart near the chest, and gave it to him where he got it.

The *Coroner.*] That is the lancer that went into the Linney?—Yes.

You saw him come out of the Linney?—Yes.

How was he coming; was he coming fast or slow?—He was coming as fast as ever he could.

Mr. *Julian.*] How have you taken the last answer?

The *Coroner.*] That the lancer that went into the Linney came on riding as fast as he could—came on ——.

Witness.] He turned the horse and bounced it up on the flags at the doorway of Captain Kiely's, and made a dart at him at his neck, and when he did not get it at him at his neck, he turned again at him and made another dart.

The *Coroner.*] After making the dart at his neck, what did he do?—When that did not avail at his neck, he turned back the horse and made a second dart, and he got it near his chest, sir.

You say he struck him with the lance near his chest?—Yes, sir.

Mr. *Waters.*] Did you see anything else done?—Then he turned and made a dart at the woman; but he did not reach the woman.

The *Coroner.*] That was the woman that was standing next the door?—Yes; the woman standing next the door.

Mr. *Waters.*] Describe where the woman was standing?—She was standing at the gateway of Captain Kiely's.

Is that the gateway standing alongside the door?—It is, sir.

When he made a dart at the woman ——

Mr. *Julian.*] Let that be, that he missed her, too; I was incautious yesterday in not allowing things to be taken.

The *Coroner.*] Did he strike the woman?

Mr. *Julian.*] He missed her.

The *Witness.*] He did not reach the woman.

Mr. *Barry*, M.P.] He did not kill the woman was what was said.

The *Witness.*] He did not reach the woman.

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Mr. *Julian.*] What she said was, that he made a thrust at her and missed her; I would rather have it taken down as she said it; four misses out of five.

The *Coroner.*] I have taken down that he did not strike the woman.

Mr. *Julian.*] I would prefer it—that he missed her; these are the words of the woman, and whatever may be the effect of them, I prefer them.

Mr. *Waters.*] When he made the dart at the woman, did she do anything?—I did not see, sir.

Did she stand where she was?—She went into a wicket gate.

Mr. *Julian.*] I object to this.

Mr. *Waters.*] What did the woman do?—She stood where she was until after the lancer was going ——.

Mr. *Waters.*] What was it?

Mr. *Julian.*] I beg your pardon. "She stood where she was until after the lancer was going ——." Well?

Witness.] And then escaped into the gate.

Mr. *Julian.*] Have you that taken down?

The *Coroner.*] Now state what she did?

Witness.] The wicket of Captain Kiely's gate was open, and she went inside of it.

Mr. *Waters.*] Did you see anything else then?—No, sir, I did not.

Did you see any of them going down the quay than Captain Kiely?—Oh, yes; the most of them went down the quay; but I could not see down the quay.

The windows don't look down that way, I believe?—No, sir.

Now, before that, did you see anything done to any other person that you have not told us of?—I did not, sir.

That is all I have to ask.

Mr. *Julian.*] What is the last answer you have taken down?

The *Coroner.*] "I did not see anything done to any other person."

Cross-examined by Mr. *Julian.*

This seems a good situation you have, Miss Crowley; nothing to do; but I hope they paid you well; what were you doing that day?—I was minding the children, and looking out of the window.

Were you making an inspection of the quay that morning?—Every person was looking out of the window.

It is a nice time where you can stand all this time looking out of the window?—Eh?

I hope you had a looker opposite the window?—There was.

Were you not looking at the Jack Tars?—I was not looking at them.

You would not look at anything short of a lancer that morning; or was it the red coats that attracted you?—No, it was not; they did not trouble me.

Who did you tell this story first to?—I was over at Abbeyside, at Mrs. Whelan's, and I was speaking about it when Mr. Flynn came in there.

Was that the Mr. Flynn up there?—Yes.

I will ask you to take that down; she was in Abbeyside, in Mrs. Whelan's, when Mr. Flynn, the juror, came in there; that is what I stated this morning; well?

Witness.] She is the widow Whelan, and Mr. Flynn was in her house when I went in.

Miss Crowley, have you any objection to tell me how far is Mrs. Whelan's from your house?—I could not say.

What took you there; but have you taken down, "I was at Mrs. Whelan's, at Abbeyside, and told Mr. Flynn the story about it then"?

Mr. *Waters.*] She did not say that. I must interfere to have it correctly taken.

The *Witness.*] When I went in he was speaking about it.

Mr. *Waters.*] I will interfere to see that the Coroner has not fallen into error.

The *Coroner.*] I want to know whether the witness will say, "I told Mr. Flynn the story"?

The *Witness.*] I was not speaking to him at all, but he was speaking to Mrs. Whelan when I went in. He was speaking about the lancers, and asking about them when I went in.

Mr. *Julian.*] She says that Mr. Flynn, the juror, was talking to Mrs. Whelan about the lancers, and asking about them. Take it as she gives it to you, that is the safest way.

The *Coroner.*] What do you say?

Witness.] Mr. Flynn was asking Mrs. Whelan did she know anything about the lancers; that he heard it was there the man had lodged; that he heard the man had lodged there who killed Captain Kiely.

Mr. *Julian.*] The juror has not heard the true facts of the case. Is this not going around to inquire where was the man that did it?

Mr. *Waters.*] I ask that these interlocutory speeches be not made upon every answer. This inquiry must be conducted properly.

Mr. *Julian.*] I don't wonder at your feeling sore about it.

Mr. *Waters.*] I am not sore about it; but the inquiry must be conducted properly.

The *Coroner* having the latter portion of his notes of evidence,

The *Witness* proceeded.] He asked did she know anything at all about the lancers, and was it there the lancer was that did the deed?

Mr. *Julian.*] Take it down in that way, sir.

Mr. *Waters.*] The witness also said the lancer who killed Captain Kiely, and that he heard it was there he lodged.

Mr. *Julian.*] By all means let that be taken down.

Witness.] He was making inquiry about the man that had killed Captain Kiely.

Mr. *Julian.*] He comes here to try the case, but he settles beforehand who did it.

The *Coroner.*] This is irregular. I wish you would not continue it.

Mr. *Julian.*] It is irregular; but I must ask you to check the irregularities on the other side in the same way.

The *Coroner.*] I heard no speeches from Mr. Waters.

Mr. *Julian* (to *Witness*).] Well, what else?—I heard Mrs. Whelan say that she gave 40 of them a penny loaf and something else.

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Was he asking them what she gave them?—He was not asking that; but I heard her say that she gave 40 of them penny loaves and some drink, but I could not say what.

Did she say anything about a pint of porter and some bread and cheese?—No, sir; I did not hear her saying anything else about it.

Mr. *Waters.*] And she says some drink.

Mr. *Julian.*] Was that what she said?—I could not say what she said; she said some drink, but how much I could not say.

Mr. *Waters.*] The witness is unable to say how much.

Witness.] She said the complement, but I could not say how much.

Mr. *Julian.*] Could you say as to a pint of porter or not?—I could not say.

Did she state that they did not leave their saddles?—I did not hear her say that.

Or their horses?—I could not recollect that.

Did you hear her say that they did not leave their horses?—I could not recollect whether she did or not; I don't recollect that she said one way or another.

Mr. *Julian.*] I will prove the fact, although she does not know it; what next occurred?—Mr. Flynn said that they were trying, as far as they could, to find out all about the lancers. I said a poor satisfaction it would be to the woman with her seven children, whose husband had been killed by them, and that it was a sore day that they had come to the town.

Mr. *Julian.*] Let that be taken down. He said that they were doing all they could to go against the lancers——

Mr. *Waters.*] She did not say, "Against the lancers."

Witness.] To find out about the lancers.

The *Coroner.*] You said it was a poor satisfaction to the woman who had lost her husband, with her seven children?

Mr. *Julian.*] What did you say next?—Mr. Flynn said, "What do you know about it?" and Mrs. Whelan said that I was Captain Keily's nurse, and that I had been looking out of the window. I said then to Mr. Flynn that I was looking out of the window of Captain Keily's, and he said, "You could give great intelligence about it."

He said you were looking out of the window, and would be able to give us great intelligence about it?—

Mr. *Waters.*] He did not say "us."

Mr. *Julian.*] Who did he mean by "us"?

Mr. *Waters.*] Why, the coroner and jury.

Mr. *Julian*]. He should have waited until he got into the box; well, what next, Miss Crowley?—Nothing else. Mr. Flynn went away then, and I got my commands, and I went away afterwards.

Could you tell how long he was there before you went in, talking to Mrs. Whelan?—No, sir.

The *Coroner.*] You know nothing else?—No.

Mr. *Julian.*] How far off is this Abbeyside, the place into which this juror came?—I could not say, but it is over at the other side of the bridge.

Is this house you spoke of at Abbeyside?—It is, sir.

It is not the house you were alluding to at all?—It is the only house he was in that I know anything about at all.

Mr. *Waters.*] That is a mare's nest?

Mr. *Julian.*] Not a bit of it.

What is Mrs. Whelan's Christian name?—Norry.

Mr. *Waters.*] That is Honora.

Mr. *Julian.*] Will you swear that is where you told Mr. Flynn all about this day in question, that you were in the window?—Yes.

How long were you in the window?—I was in the window from the time I saw the crowd on the bridge until after Captain Keily's death.

By-the-bye, what time was it that affair occurred at Mrs. Whelan's?—It was on the Monday night following after Captain Keily was killed; for I was sent over to Captain Keily's mother's with the children out of the way; oh, it was on the Tuesday evening when it occurred, for it was on Monday evening I was sent over to Captain Keily's mother's.

Were you talking with him at all since that day?—No, sir.

Did he say anything about being a sworn juror in this case?—No, sir.

How long were you in the window that day?—I was in it from the time I heard the report on the bridge.

What report?—It was a report on the bridge when the lancers were making down the quay.

Were you at it before?—I was looking out of it continually for some half hour or so before.

How many people were then on the bridge?—I could not say.

There were some hundreds?—There were.

How far did they extend?—They extended down as far as from the bridge to Captain Curran's yard, and they were running up and down along the quay.

Take that down; that she was looking out of the window for half an hour before the lancers were coming up, and she saw some hundreds of persons between the bridge and Captain Curran's gate on the quay.

Witness.] It was down as far as the Linney; it was not to the yard that Captain Curran has now, but to the one he used to have.

Mr. *Julian.*] Now, when they were going backward and forward up and down the quay, were they doing anything?—I did not see them doing anything.

Well, not much then, for I suppose the lancers were not come up then?—No, sir.

Was there great shouting when the lancers were coming up from the bridge?—There was then, sir.

Mr. *Julian.*] Have you that down; there was great shouting when the lancers were coming up from the bridge.

Mr. *Waters.*] She says there was not.

Witness.] There was shouting, sir, when the lancers were coming from the bridge.

Mr. *Julian.*] And you said, "Now is the time we have it; now is the time to look out for the fun?"—I did not.

The *Coroner.*] Did she say that?

Mr. *Julian.*] I am suggesting it to her as a question; did you say that?—I did not.

What did you think?—I thought nothing at all; I was looking on.

You did not give yourself the trouble of thinking; what did you see?—I saw the voters coming over the bridge, and I saw the people coming down the quay, and the lancers making a charge after them down the quay.

How far is Captain Keily's house from the bridge;

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bridge; how big was a stone you could see at the distance; a two or three-year old stone, at that time?—I did not see any stone at all.

How far is it?—It is a good distance.

Would it be hard to see a stone from Captain Keily's house to the bridge?—It would be hard.

When the people came down the quay before the lancers, did a great number of them rush into the root market and into the Linney?—Yes, sir.

Did you see the enclosure, and near the Linney, swarmed with them?—It was.

Was it not black with them?—Yes.

Take down that, when the people came down before the lancers, they swarmed into the Linney; that it was swarmed with them; that it was black with them.

Mr. *Waters.*] We have that before.

Mr. *Julian.*] We did not have it in that language.

Mr. *Waters.*] Oh! not in that language.

Mr. *Julian.*] There was a great crowd in there?—Yes.

It was full?—It was, sir.

The lancers passed on beyond that, further on?—Yes, they did.

Was it in their coming down in the first instance on the quay that you saw O'Brien fall, or was it when they were coming back the second time?—No, sir; it was when they came down first.

If that be so, where did O'Brien run from?—I could not tell where he ran from at all.

Did he come from the bridge?—I could not tell, for there were people coming from the bridge towards Captain Keily's corner; I saw him standing there, and saw the lancer making the charge, and throw him down.

And you were looking out of the window, and you saw the man standing there; how long was he standing there?—A few minutes he was standing there.

And was thrown down there?—He was thrown down in the very same spot he was standing in.

Was that in the middle of the quay?—It was on the quay; close up to the Linney.

I will ask you to take down that: "The deceased was standing a few minutes in the place, he was knocked down before he was knocked down."

The *Coroner.*] Is that so?

Witness.] Yes, sir.

Mr. *Julian.*] What have you taken, sir?

The *Coroner.*] "I saw the deceased, O'Brien, standing for a few minutes in the place, he was knocked down before he was knocked down."

Mr. *Julian.*] That is not all she said: she said, "Close up to the Linney."

The *Coroner.*] Was that inside or outside the Linney?—Outside it, sir.

Mr. *Julian.*] Was he there the entire time you were in the window, at that period?—He was on the ground.

Did you see him from the time you first looked out?—No, sir.

Can you say where he came from?—No, sir; I could not.

Was it the first, second, or third, or could you say how many lancers had passed him before he was struck?—I could not say.

Did any pass him?—There were some.

Were there more than one?—I could not tell how many passed him before he was struck; they were running here and there, coming up.

Mr. *Julian.*] Take that, sir: that she cannot say how many passed him before he was struck. The man that struck him was galloping down the quay at full force?—Yes.

Was he at the moment he struck him galloping furiously down the quay, at the moment he struck him with the lance?—Yes, sir.

Did he make any halt at all?—No, sir; he did not.

Take that down if you please; that "the lancer who struck him was galloping full force down the quay, the moment he struck O'Brien with the lance, and made no halt at all." Can you say how he held the lance when he struck him?—I could not say, but he held the lance up straight; I did not see him strike him with the lance at all; but he turned around the horse, and trampled him with the feet.

Can you say how he did throw him down, was it with the horse or with the lance?—I cannot say one way or another.

Mr. *Julian.*] I will ask you to take down that, sir; the question and answer.

Do you know how he was thrown down, whether it was with horse or with lance, and she says she did not; but that after he was thrown down, the lancer turned the horse, and danced on him?

Witness.] Yes, sir.

Did the horse remain for long dancing on him?—He did not.

What did he do?—He backed the horse, and danced on him.

Mr. *Waters.*] We have that already.

Mr. *Julian.*] We have not got it that way.

Mr. *Waters.*] These are the words, "That he backed the horse, and danced on his feet."

The *Coroner.*] (*Referring to his notes*). "The horse turned and danced on his feet, but not on his body.

Witness.] He turned round and danced on his feet. He did not seem to dance on any part of his body, only on his feet.

Can you say?—I cannot say whether he touched any of the rest of his body.

Did he then ride on?—He turned off then into the Linney.

Are you quite sure that at the moment that was done by the lancer, that the deceased man, O'Brien, was walking across the quay on that day?—I did not see him; no.

Mr. *Julian.*] Take down that: she says that she is quite sure that he was not walking on the quay at the time he was struck down by a lancer.

Mr. *Waters.*] That is not what she said. She said, "I did not see him."

Mr. *Julian.*] That is not so.

The *Coroner* put the question again.

Witness.] Deceased was not walking at the time.

Mr. *Julian.*] What occurred then?—One of the other lancers came down along the quay back again, and made a stroke at the man lying down on the ground, but did not reach him.

Mr. *Julian* asked the Coroner whether it

was

was on the direct examination that it was the same lancer or another lancer?

The Witness.] It was a different man.

Mr. *Julian.*] I think not; but we had better take it that was a different man.

The *Coroner* referred to his notes, and said that it was not stated in them who made the dart of the lance at him. Suppose we put in here that "another" lancer made a dart at him.

Mr. *Julian.*] Very well; he was going full charge also?—Yes.

The *Coroner.*] It was at O'Brien you say the dart was made?—Yes.

But it did not reach him, you say?—Yes.

Mr. *Julian.*] What was the next thing you saw happen to O'Brien?—I saw nothing else happen to him until I saw a man taking him up. The other lancers, when they were coming down, they used to "escape" him.

Mr. *Julian.*] Take that down. "The other lancers, when they were coming down, used to escape him."

The *Coroner.*] You say that there was nothing else happened to him until he was taken up?—Yes.

Mr. *Julian.*] Who did you say took him up?—I could not say, for just then Captain Keily's clerk ran up-stairs and said that Captain Keily was killed.

Could you say that it was one or two went up to the man that was killed?—I think it was only one.

Could you say where he came from—from the vessel or the shed, or where?—I could not tell; I saw one of them holding him, and I went in.

When you went in from the window, did you see him still on the ground?—I saw him taken up by one person, and I left the window when that person had a hold of him.

That is all you know about the deceased man?—That is all, sir.

Where did you go when you went away from the window?—I went into Captain Keily's bedroom after the clerk came up. The words he said were, that "it was a sore election; that the master was killed."

While you were looking at O'Brien, and a man having a hold of him, who came up?—A clerk of Captain Keily.

Did he come to the room you were in?—No; the room next to that I was in.

The *Coroner.*] What did he say?—He said the master was killed.

Mr. *Julian.*] What did you do then, or did you say anything?—No, sir; all the children began to roar and bawl about me, and the mistress came up for a blessed candle.

What did you say or do?—I did nothing at all. The children were all roaring about me in the room.

Did you say anything when your master was killed?—I began to cry and to pacify the children, and keep them from bawling. Oh, yes, and when I saw the lancer making a dart at him out of the window ——

Oh, I see, you have forgotten all that. If you were looking at O'Brien, and at the person holding him, till the clerk came up and said the master was killed, what becomes of your story, that your master was stabbed in your presence, if it be true?—There was no alarm made at the time. The lancer made a charge up to him at the door, but he made no alarm about it.

Do you mean to swear that you remained looking at O'Brien, the deceased, and a man helping him off the ground; that your master got a stab in your presence; two darts made at him; and that you never went away from the window until the clerk came up to tell you your master was killed?—I never stirred until the clerk came up and said that master was killed.

Mr. *Julian.*] Up to that time she had not stirred, but kept looking at O'Brien, the deceased. Put that down, sir. Then with two prods of a lance made at your master—one that you saw miss him, and another that you saw enter his heart—you never stirred from the window until the servant came up and said he was dead?—No, sir.

And you waited to see the prod made at the girl that was standing at the door?—I did, sir.

The *Coroner.*] What time was there between the time you saw O'Brien on the ground, and the time you saw Captain Keily stabbed?—I could not say exactly; but there was a few minutes.

Mr. *Julian.*] Take down that answer, sir; it was very cool; what aged man was O'Brien?—I don't know.

Did you know him before?—No.

He was not heard of before this?—No.

You say that you never stirred from the window, although you saw your master stabbed beneath your eyes at the window, but sat looking at O'Brien?—If the master was killed beneath my feet, I could not stir from the window; to leave seven children by themselves, to fall out perhaps.

You could not shut down the window?—I did not.

Was there anything said about brandy at Mrs. Whelan's, the day you went there, by Mr. Flynn?—No, sir.

Who did you tell this story to, that you told here to-day; who did you tell it to before that?—No person at all before that; only I used to say in the house that I saw a lancer stab the master, but not to any person outside.

But when you saw the lancer making one stab at the master and missing, and then stab him, did you say nothing?—I did, sir; the word I said was, "Merciful Jesus, the master killed;" but I stopped on still looking out of the window.

Mr. *Julian.*] Take down that, sir. (To *Witness.*) You made an observation, I need not repeat it, and you still stayed looking out of the window?—I did.

You stayed there until you saw the prod made at the girl?—Yes, sir.

I think you said you saw the trooper ride up the quay and down the quay; you looked after him?—I did.

You saw him for about how long?—A few minutes.

Mr. *Waters.*] There is some mistake about that; let the girl understand what you mean.

Witness.] I could not see how far he could go on any length; but I saw him going round the corner, about a yard or so; but lost sight of him completely then.

Mr. *Julian.*] How long after did you keep looking in the direction he went?—I did not keep looking, for Captain Keily's little son ran out of the wicket and ran down the quays of the lancers, and I bawled out to one of the men to catch him; after the lancer had turned out of sight around the corner, Captain Keily's little son ran out of the gate, and was running down

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the quays after the lancers; I bawled to one of the men that were down on the quays to run after him, and see they would not trample on him.

Was it out of the window you bawled?—It was, sir.

Take it that she "bawled to one of the men on the quays."

The *Coroner.*] Was it to one of the men on the quays you bawled?—Yes, sir.

Mr. *Waters.*] But sure this is not necessary.

The *Coroner.*] What did you say?

Witness.] I told him, sir, to run after Willy Keily, for fear the lancers might trample on him, and he ran after him then, sir.

Mr. *Julian.*] Did he go after the child?—He went after him.

Did you see him bring him back?—No, I did not see him; he was brought to his uncle's.

What did you do then?—I was some time remaining out of the window.

You told me that the enclosure by the Linney got filled with people that came from the bridge, and then the lancer that threw down this man and trampled on him went into the Linney; now, upon your oath, did you see any stones flung from that enclosure?—No, I did not see a stone in the world flung from that enclosure.

How long were you looking at that enclosure, after the people went into it, and before you left the window?—I was looking at it while the lancer was in there, but I did not see any one throwing while he was in there.

I am sure they did not throw any while the lancer was there; she says she was looking at the Linney while the lancer was in there, but no stones were thrown then; take that down, sir.

The *Coroner.*] I think I have it down; but I suppose I had better write it.

Mr. *Julian.*] That is all I have to ask this witness.

Re-examined by Mr. *Waters.*

You stated to Mr. Julian that you remained at the window after your master was hurt, and until the clerk came up to say that he was killed?—Yes.

Did you know he was killed?—No.

Did you see him walking away?—Yes.

Did you think he was killed until you were told?—No.

Mr. *Julian.*] That is all very agreeable with the expression, "Oh, merciful Jesus, he is killed."

Mr. *Waters.*] This is another speech.

The *Coroner.*] Mr. Julian, this must stop.

Mr. *Julian* protested against being interfered with.

Mr. *Waters,*] Did you say that you did not know whether he was killed until the clerk came up?—I did not know it until the clerk came up.

Mr. *Julian.*] But your exclamation!

Mr. *Waters.*] When you first saw him stabbed you made the exclamation; but then you saw him turn in and walk away?—Yes.

How many seconds elapsed from the time the lancer stabbed your master, until he made the prod at the woman?—The woman was next him.

How much time elapsed?—It was a second, immediately after he stabbed my master.

Could you make a guess as to how many minutes elapsed between the time that first man was struck by the lancer, until the whole of them went away?—I could not.

Mr. *Waters.*] That is all I have to ask you.

The depositions of the witness were then read, signed, and the witness bound over to attend if called on.

Captain JOHN MURRAY, Augustine-street, Dungarvan, being sworn, was Examined by Mr. *Waters,* and deposed:

Capt. *J. Murray.*

WHAT are you?—I am a Mariner, sir.

Were you on the quay the day that Captain Keily and O'Brien lost their lives?—Yes, I was.

About the time they lost their lives, what part of the quays were you on?—Very close to Bat Keily's.

What day was that on?—Saturday, the 29th of December.

Where were you?—Very close to Bat Keily's door.

Were you nearer to the bridge than to Captain Keily's?—I was standing beside Captain Keily, and I was speaking to him at the time. I was close to his house at the time.

Did you see the lancers coming down the quay?—No, sir, not until they were close up to me.

Did you know O'Brien?—No, sir. I never saw him, to my knowledge, until I saw him stretched.

What was the first you saw with reference to O'Brien?—The first I saw was a rush of people from Keily's door, or gate rather.

The *Coroner.*] There is a gate to his house?—There is a gate.

Mr. *Waters.*] Where did they first go?—They ran aboard a hooker belonging to me that had no ballast in it.

The *Coroner.*] Did they get on board the hooker?—They did, sir, a great many of them.

Mr. *Waters.*] What was it they made for it for?—For protection, I suppose.

Mr. *Julian.*] What he supposes is not evidence.

Mr. *Waters.*] It is here.

Mr. *Julian.*] Does Mr. Waters assert, as a barrister, that "what he supposes" is evidence?

Mr. *Waters.*] Did they run with the design of jumping on board?—They ran from Captain Keily's gate, and ran on board the boat. I ran to prevent them from going on board, to prevent them from upsetting the boat, never thinking that the lancers were coming down.

Mr. *Julian.*] Now, sir, will you take down that as he has given it?

The *Coroner.*] Never thinking that the lancers would come down?—I never thought they would.

Mr.

Mr. *Waters.*] Was it that made them run?

Witness.] Certainly, sir.

Mr. *Julian.*] That is not evidence, but I am not objecting to what you state. I know very well what made them run.

Mr. *Waters.*] Did you turn up and look at the lancers?—Not I; but I heard the tramp of their horses' hoofs after me, and I jumped aboard the vessel, whether it was upset or not. I would rather be aboard, even if she was upset, than come in contact with them. Faith, I would rather be in the water than with them then.

What did you go on board for?—For protection.

From what?—From the men and horses; from the horses and the men that were on them.

Mr. *Julian.*] You said you wanted to keep the people away?—At first of course I did, not thinking that they would come down along the quay.

Mr. *Waters.*] What was the first you saw of O'Brien?—I never saw the horses until I got on board, and then I watched them going down along the quay, and there was not a man, woman, or child on the quay, but two men from that down, and they knocked one of these two down.

The *Coroner.*] You say the horses were going down the quay?—Yes.

Did they go fast?—I don't think they could go faster.

Mr. *Waters.*] What did you say about the people?—There was not one of them on the quay that far, except two.

Where were these two on the quay?—I would say about 50 or 60 yards from where I was, further from the bridge.

They were fifty yards beyond where you were from the bridge?—Fifty yards, more or less; I could not say.

The *Coroner.*] Fifty yards, more or less, from your hooker, and further from the bridge?—Yes, sir.

Mr. *Waters.*] How far were you from the bridge?—About 200 yards.

Did you know these men?—No, sir.

Did you see them before?—Never.

Do you know what these men were doing?—They were running down before the horses.

Where did you first see them?—Just opposite Mr. Purcell's.

Is that beyond Captain Keily's?—It is, fifty or sixty yards; I could not say.

What were the lancers doing?—Riding as hard as they could.

Were they riding on these men?—They were. They knocked one of the men down, and took the hat off the other with their lance.

How did they strike the man that was knocked down?—One of the two was struck by a lancer with a lance on the head or shoulder, with either the point or butt of the lance; which, I could not say, and the man staggered and fell in under a cart. The horse was between me and the man then.

The *Coroner.*] Where was this cart?—It was standing up against Mr. Purcell's stone wall; the shafts up and the other part down.

Mr. *Waters.*] Was anything done to the other man?—No, sir; he drew closer towards the quay; he was running towards the quay when a lancer took his hat off his head on the point of his lance; there was a red handkerchief in the hat, as if pinned in it, and he waved it this way (*describes the motion*) over his head; the horse came between me and the lance, and I did not see him take the hat off the man's head, and swing it round; it was not the same lancer that knocked down the man; while that man was running towards the quay, I saw another lancer running in chase of him.

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The *Coroner.*] Did you see him making a blow at him?—No, sir; but I saw him swinging his lance at him; but I did not see the hat coming off his head; I saw it on the point of the lance afterwards.

Mr. *Waters.*] But can you say whether he hit him or not?—I could not say whether or not; but the next thing I saw was the hat on the point of the lance; he had it until he came back past me again; but I could not tell how far he brought it; they galloped back as far as Captain Curran's gate, and he had it still on the point of his lance.

A *Juror.*] Is Captain Curran's at the extreme end of the quay?—Yes.

He has a yard at the other end also?—It was not at that yard; I saw nothing at all up there; this was at the other end.

Mr. *Waters.*] What were they doing?—They were looking for some one to kill; I will swear that they are a disgrace to the flag they are under.

Did you see anything else?—I saw one of the lancers chase up Galway's-lane, as they call it.

Which is Galway's-lane?—It is the fourth entrance to the main street from the bridge.

What did you see him do?—I saw the lancer chase up the lane; but I could not see how far he went up; I saw him gallop up the lane; but I did not see anybody there.

A Juror.] You mean to say you saw a lancer turn up the lane?—Yes, turn up the lane, but I could not see up into it; how could I?

Mr. *Waters.*] Did you see anybody going up the lane before the lancer?—No, sir; how could I see it?

There might have been 100 there?—

Mr. *Julian.*] And there might have been no one.

Mr. *Waters.*] Did you see anything else?—I saw another lancer running up Mr. Hearn's lane; I could not see up that lane either; he was going up it at full speed; that is the next lane to Bat Keily's house; I could not see anything up that lane.

Did you see this man come back again?—I did not; I could not tell whether they came out into the main street.

Before they went up the lanes, did you see any stones thrown from these lanes?—No, indeed I did not.

Was any attack made from them?—No, indeed.

Did you see anything else there?—I saw nothing else until I saw the horses coming back, and I followed them with my eye until I saw the man stretched; I did not see him lying before that.

Is that William O'Brien?—Yes, sir, it was.

You said something about the Linney?—Yes; that is, there is a shed there, and a little enclosure wall built, outside the Linney; and he was stretched outside that.

Was that on the quay?—It is on the quay; on the side part of the quay.

You said something about women in the Linney?—There was a whole lot of women in the

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Linney, and there may have been some men amongst them also.

Was it full?—Oh, yes; it was chock full from end to end.

Were there most men or women there?—Chiefly women.

Did you see any lancers come into the market and space outside the Linney?—I did. I saw them coming into the little place outside the Linney, in which there was a lot of women and some men.

That is called the root market?—It is, sir.

What did you see them doing there?—I saw them darting in at the women.

What were they darting with?—They were darting the butt end of the lance at them.

The *Coroner.*] At the women?—At the women and men and all, as they were there.

Mr. *Waters.*] Did you see the hero of the hat amongst them?—No, I did not see him there.

The *Coroner.*] "I did not see the man that had the hat on his lance there:"—No; I did not see how far he brought the hat.

Mr. *Waters.*] Would you say how many lancers were there?—I could not, sir; only two or three.

You think it was the butt end of the lances they used?—I think it was. I really think it was.

Of these two men, one of those who was knocked down near the court, and the other whose hat was taken off, and the head escaped; did you see either of them assault the lancers in any way whatever?—No, they did not; there was no one down as far as that place but they, and they did not assail them in any form.

Mr. Julian will be curious to know, had you a lot of stones on board your hooker for these men?—There was not so much as a marble.

Were there any stones thrown ashore?—There may have been a stone thrown ashore after I went up.

Were there any stones thrown at the lancers?—No, not one; that would be foolish of the people to throw a stone at the lancers, and they coming on in that way; but they had not any in their hands. I never threw a stone at a man in my life.

Did you see any of the soldiers molested in any way whatever by any person on the quay?—I did not see a man, woman, or child on the quay, from Captain Keily's house to Captain Curran's yard. I did not see an assault at all, except on the two men.

Did you see them assault, in any way, any person at all on the quay?—No, I did not.

Did you see Captain Keily struck?—I did not see Captain Keily struck, for my back was to him when I was running on board the boat.

Cross-examined by Mr. *Julian.*

Was your vessel the one opposite Captain Keily's house?—Yes; right opposite.

How many were there; how many vessels were lying on the quay that day?—There were two barks up to the bridge.

Were there others further on?—There were.

Were there many?—There were others further on; but I could not tell anything about them.

I wish that taken, as we have had nothing about it yet. About how many were there further on down the quay?—Yes, about three between us and the barks, further on, down the quay, and there were fishing hookers beside.

Were they much further down the quay?—There was one about 50 yards, and there was close to her, and one beside her.

And a number of fishing hookers?—Yes.

Did I understand you to say, Captain Murray, in the first instance, that you did not see the lancers coming over the bridge?—No, sir, I did not; not until I heard the tramp of their horses after me.

Can you account to me for that: were you inside Captain Keily's house?—No, sir; I was on the outside.

Can you account for it, then?—I turned around to speak to Captain Keily at the time, not thinking that they would come there. Then I saw a rush of people to the boat, and I was frightened, and ran to prevent it being upset, and when I was running, I heard the hoofs of the horses running behind me; then I jumped on board the boat; at first, it was not for protection I ran; by George, no.

How many people jumped on the boat?—About 20.

She was not upset?—She inclined over to the quay, and the masts and rigging leaned over against it, and prevented her going over.

What size is she?—She is 17 tons burden.

How many people were on the hooker?—I am sure there were 20, but I will not swear that there were not 60; her deck was chock full.

About how many would make her deck chock full; would she hold 60?—I don't think she would.

Who were these people; he says that the parties that were on board he saw running from Captain Keily's house to his vessel; they had been standing outside for some time, and they numbered from 20 to 60; he is sure of 20 but not sure of 60?—Yes.

That the deck was chock full of people that had crowded on board the hooker?—Yes.

Mr. *Waters.*] He also says that the deck of his vessel would not hold 60, and also about the deck of his vessel being on one side; what did you say?

Witness.] They were all down on one side, there were not 60 in it at all; the people were on the quay side stooping down, so that the lancers would not see them.

Mr. *Julian.*] That is what a fellow does who does wrong; he runs to hide.

Witness.] If you were there, you would have run too.

Mr. *Julian.*] At that particular time, were there persons in the yard and in the Linney?—What yard?

The yard of the root market?—I cannot tell whether they were there until afterwards.

Did you see any other party on the quay at that time assembled?—No man, only the two that I told you of, down the quay.

Did you see any nearer the bridge?—No, I was not looking; I did not see them coming down the quay at that time until they passed me.

Mr. *Julian.*] Let that be taken down clearly.

Witness.] I saw them coming across the bridge; but I did not see them again until after they passed me.

Mr. *Waters.*] He says he heard the tramp of

of the horses, and then jumped aboard to save himself from the men and horses, and that he did not see them until then.

The *Coroner* said that was what he had done.

Mr. *Julian* requested it to be taken down in the other way.

The *Witness.*] I did not see them (the lancers) until they were past me.

Mr. *Julian.*] It was some other party that was knocked down near the cart; it was not O'Brien?—Oh, it was some other party. It was nearly 100 yards from O'Brien.

Did the lancers return up the quay until you saw O'Brien lying on the ground?—They had.

How far had they returned?—They returned back all the way that I saw any; and then I saw the man.

How far up the quay did they proceed when they were returning?—I don't know which way they dispersed up the quay, and into the Linney and lanes.

Was it there they came to a halt?—No; I tell you that there were two or three in the Linney and in the lanes at the back of the shambles.

Did not some go on up the quay towards the bridge?—I could not swear as to whether they went to the bridge; but two or three went into the Linney through the openings.

The *Coroner.*] Was it when they came as far as the Linney they dispersed?

Mr. *Julian.*] You may take it in this way, that the lancers who had gone down the quay, went away.

Witness.] Yes, they went down that way, and went further, and away altogether.

Are you sure as to whether some of them did not go on further than the Linney, and on towards the bridge?—No; for my attention was attracted by that man stretched; and I was looking at another of the lancers that came up and stood by the side of the man, and I was seeing what he would do. The tide was nearly in; but I could see the spot where O'Brien was stretched.

Before the lancers returned up the quay, who was on the quay; was O'Brien on the quay before they returned back?—I did not see O'Brien at all until they returned back.

Mr. *Waters.*] That is perfectly clear; he never saw him until the lancers returned.

Mr. *Julian.*] That is the truth; but is different from the other stories; you did not see O'Brien until the soldiers turned back?—Yes, and as far as my boat; then my eye followed them until I saw the man stretched where he was.

The *Coroner.*] That was the time when you saw him stretched?—That was when I first saw him; when they passed the bridge up between them and the bridge; I was watching them coming down, and not looking the other way at all.

The *Coroner.*] It was then you saw O'Brien on the ground?—He was stretched on his face and eyes, sir.

Mr. *Julian.*] You say you were some little way uneasy about the safety of your vessel from the way in which they were on board it, for fear they would capsize it?—Yes, that is why I ran on board.

I suppose you were more or less looking after the vessel?—No, I was watching them running down the quay and up the quay. Capt. *J. Murray.* 8 January 1867.

Now, about these stones; now, it is an odd fancy that I think you had anything to do with stones, or would allow one to be flung.

Witness.] Indeed I would not.

Who flung that stone out of the boat?—I could not tell; why, sir, if only I knew it, I would have him overboard; he only just pitched it ashore; I would not have allowed him to do it, for it might have brought the lancers back on us; they did not see it at all; I swore out that if I knew who did it I would have him overboard, and so I would, if I was able; the soldiers had passed up, and did not see it at all; it was not thrown at any soldier.

Mr. *Julian.*] Oh, I can tell you that they did see a great deal, and feel them too.

Mr. *Waters.*] That is not right at all——

Mr. *Julian.*] Oh, the Coroner does not hear your voice at all, although he is writing.

Mr. *Waters.*] He says that the stone was not thrown by any soldier.

Mr. *Julian.*] I heard a sermon preached half an hour ago about counsel repeating answers; you are preaching and practising.

The *Coroner.*] You stated that the stone was thrown on the quay?—Yes.

Was there any person in front of your vessel when the stone was thrown?—No, sir; they were after passing; it was the length of the Court-house that they had passed.

Mr. *Julian.*] I would wish you to add, that I would like to see a Dungarvan fellow that could not throw a stone the length of the Court-house.

The *Coroner.*] The soldiers had passed about the length of the Court-house at the time?—Yes, sir.

Mr. *Waters.*] I ask you to take down that it was not thrown at any soldier.

The *Coroner.*] Was it thrown at any soldier?—I will swear that it was not thrown towards any soldier.

Give it to me in your own words?—I will swear that it was not thrown in the direction of a soldier; and the fellow that did it——

Mr. *Julian.*] Was a bad shot; but you are too honest a fellow to threaten to heave a fellow overboard unless for doing something wrong?—That was wrong.

Was it not because he did wrong in heaving a stone ashore that you threatened to heave him overboard?—It was.

Mr. *Waters.*] Was it because he was afraid if the soldiers saw a stone thrown overboard that they would turn back and stab some of them?—

Mr. *Julian.*] The Coroner does not hear you at all, Mr. Waters?

Mr. *Waters.*] Well, I have not done anything.

The *Coroner.*] What is it you said, Witness?—I said I would have heaved him overboard; because if the soldiers had seen the stone thrown, they might have come back and stabbed some of us.

Mr. *Julian.*] Is your idea of a British soldier that

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that he should stand and be stoned without doing anything?

Mr. *Waters.*] Don't answer that; it is immaterial.

Mr. *Julian.*] Where did you see the stone thrown?—I saw it going on the quay.

What size was it?—It was a very small stone, like a very small powdered paving stone.

Was it as big as your hand?—No, nor half as big.

How long was the hooker lying there?—Eight or ten days.

How long was it before that, that the provisions with the stones were laid down on the quay?—I could not tell.

Did you see the quay newly repaired about that time; fresh stones on it?—I did not take notice; there were patches on it. I saw them clearing away and breaking them.

Can you say how the stone came on board?—I could not tell.

You had it not there?—I could not tell.

Was there any stone on board the boat to your knowledge?—No; there was not, sir.

The *Coroner.*] You say, "There was no stone on board my boat, to my knowledge, before the crowd came on board"?—There was not, to my knowledge.

Mr. *Julian.*] Are you quite sure that it was one of the persons that came from Captain Keily's gate that threw the stone?—I could not tell who came from the gate.

You did not throw it?—No.

It was, then, some who came from Captain Keily's gate?—It was some of the party who came from Captain Keily's gate, or some part of the quay.

Did any person come from any part of the quay; but from Mr. Keily's gate?—I did not see any others.

Then it must have been some person who came from Captain Keily's gate that threw the stone?—Yes; it must be.

Now, I ask you, and can you say positively, and beyond all question, that more than one stone was not flung by the same crowd?—Not out of the boat.

Can you swear that, without your seeing it, and while your back was turned, any stone or stones might not have been flung from on board the boat?—My back was not turned; I must have seen it coming on shore. There was no man behind my back.

Will you swear that for the entire time the soldiers were passing, there was no man on whom your back was turned on board your boat?—There was not.

Were the other boats between you and the bridge crowded with people?—I could not tell about them at all.

But after the soldiers were passed, and after the soldiers were injured along up between you and the bridge, filled with people?—No; not until the soldiers had gone away, and then I saw them coming ashore.

The boats were filled with people?—Yes.

The *Coroner.*] You saw them coming ashore?—Yes; after the soldiers had passed.

Mr. *Julian.*] Was it long after you saw them go off the quay?—I did not see them until the soldiers were off the quay altogether. I saw them then coming from the "Johanna," and the yacht, after the soldiers went away.

Did you hear any man state on board the boat,—saying anything about stones?—No; upon my oath, I did not.

About how long was it after the soldiers had passed away that the people came out?—It seemed as soon as the soldiers dispersed, I came ashore myself, and I observed all them coming ashore too. It was immediately on their coming.

When you saw O'Brien on the ground, did you see any one doing anything to him, while he lay there?—No; I saw no one but a horseman standing alongside of him; and I was surprised he did not try to pick him up. I saw the horseman standing alongside of him; but he was not doing anything then to him.

Did you see O'Brien picked up?—I saw one man catch him up, and lay him down again.

Did you see Captain Dower?—I did not see afterwards who picked him up. I saw a man giving him a bit of a cant over, and run down into the lane.

That is all that occurred?—That is all that I saw.

Mr. *Julian.*] He saw some man come up and give the body a cant over, and then lay him down again, and during that time there was no one did anything to him at all?—No; the horseman came up and stood quite close to him; but did not touch him.

The *Coroner.*] Did you see him removed to the Linney?—No; the man that touched him walked away from him into the Linney.

Mr. *Julian.*] He states that during that proceeding one person alone came up to the man, who did anything?—To O'Brien, or the man there that I saw.

Can you say whether there was one or many lancers outside the Linney; that while you looked suddenly and saw O'Brien stretched, whether stones might not have been thrown by persons inside the Linney?—I could not tell that. I did not see e'er a stone thrown.

Are you able to say that there were none thrown?

Mr. *Waters.*] He says, "I did not." He said there were none thrown there while the lancers were approaching the man alongside the Linney.

Mr. *Julian.*] You are interfering with the Coroner taking evidence. They might have been thrown from the Linney without your seeing them?—To be sure they might. There might be fifty people killed. While I was looking there were no stones thrown.

Re-examined by Mr. *Waters.*

Would you swear there is no stone-throwing there now?—How could I,—no. How the devil could I? Is it codding me, you are?

You say you did not see lancers until you saw them passing down the quay; were they scattered, going two and two, or going in ones and twos, or going in a body?—They were scattered everywhere.

Mr. Julian asked you about the vessels that were lying down below you eastward in the river; now, while you were looking down, were there any stones flung from them?—No; there was not.

The *Coroner.*] While you were looking at the vessels between you and the bridge?—No, sir.

Mr. *Waters.*] I am speaking of all the vessels that

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that lay between you and the East, that were not between you and the bridge; when the soldiers passed down you were looking after the soldiers? —I was looking after them all the time.

Did you see the vessels?—I might; but it was the soldiers I was looking at.

Did you see stones thrown at them from the vessels there, or at any other place?—No.

Mr. *Julian.*] But you won't swear that they were not thrown?—No; I will swear I did not see them thrown from the vessels, or any other place.

Mr. *Julian.*] What is the value of that, now?

Witness.] If they were, I did not see them.

Mr. *Waters.*] So far as you know, there were none thrown?—Certainly; so far as I know, I know nothing at all about it.

The size of the stone that was thrown from on board your vessel; was it as big as an ink bottle in bulk?—It might be as large as that (*small ink jar.*)

What sort of a stone was it?—It was one of those powdered paving stones.

Mr. *Julian.*] Would you like to get a blow of it?

Mr. *Waters.*] I would not stick a lance in any man that did it.

Mr. *Julian.*] You don't know what you would do.

Witness.] As to that, it was the cowardliest action I ever saw men doing. They are a disgrace to the flag they are under. It is most positively so. They could not do worse in an enemy's country. If the foe was here they would not do it so fast.

The depositions of the witness were then read, and the witness was bound over to appear on them, if called upon.

At the words "powdered paving stones,"

Mr. *Julian* remarked, I think he said "Macadamized stones."

Witness.] What are they?—(*Witness again pointed out a small ink jar, which he said was larger, or about the size of the stone flung ashore.*)

The Court here adjourned for an hour; but an hour and a half elapsed before it re-assembled.

The names of the jury having been called over;

PATRICK BOWDEREN, being sworn, was Examined by Mr. *Waters,* and deposed:

P. Bowderen.

WHERE do you reside?—In Blackpool-street, Dungarvan.

What are you?—A master mariner.

Were you on the quay on Saturday, the 29th of December?—Yes, sir.

When Captain Keily and O'Brien lost their lives?—Yes.

On what part of the quay were you?—At Captain Keily's gate.

Were there many others with you at the gate, or about the gate?—In or about ten.

What were they doing?—Nothing; only looking on.

Did you see the lancers coming down the quay?—I saw the lancers charge down the quay.

Did you see O'Brien on the quay?—No.

Just tell what you first saw?—I was speaking to Captain Keily, one of the deceased, and I asked him whether the gate was open, and he said to me—

Mr. *Julian.*] Don't have any conversation.

Mr. *Waters.*] Just state what you saw?

Witness.] When I saw the gate was not opened, Captain Keily asked me——

Mr. *Julian.*] Don't say what he asked you.

Witness.] I ran with my life and jumped into Captain Murray's hooker, when I found the gate was closed. If I had not got into it, I would have jumped over the quay.

The *Coroner.*] You say you ran for your life?—Yes; for my life.

Mr. *Waters.*] What did you say about jumping over the quay?—I would have jumped in, if I could not have got into the hooker.

Mr. *Julian.*] What is that, that is not evidence; what he would have done.

Witness.] I saw a charge in the morning, and did not think they would charge then.

Mr. *Waters.*] What did you do?—I jumped into the hooker.

How far did you see the lancers charge?—As far as Captain Curran's yard before they turned back.

Now where is that; because there are two Curran's yards?—The lower yard; that is, the east end of the quay.

Did you see any people down on the quays there?—No.

Did you see the lancers doing anything on the quay down eastward from you?—No.

Mr. *Julian.*] Be sure, Mr. Coroner, to take these answers down; not because I don't like them.

Mr. *Waters.*] They don't do you any harm, and they don't do me any harm. Were there other vessels between you and the——

Mr. *Julian.*] Stop a moment, the Coroner has not written that yet.

Mr. *Waters.*] Did you see vessels between you and the east end of the quays?—Yes; vessels and hookers.

Were there any people on board these vessels?—No, sir; there were none that I could see.

Mr. *Julian.*] I can tell you there were.

Mr. *Waters.*] Now, Mr. Julian.

Witness.] You must know more than those that were there themselves.

Mr. *Julian.*] Keep yourself quiet.

The *Coroner.*] You saw no person on board these vessels?—No, sir, I did not.

Mr. *Waters.*] Did you see the lancers afterwards, coming back the quay?—I did.

First, let me ask you how many went down the quay?—As well as I could see, there were from three to five went down the quay in Captain Murray's hooker.

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You say you saw them coming back?—I saw them coming back.

Did you see anything on the lances of any of them?—Yes; a man's hat and handkerchief, just like that; the lance through the hat like that (*showing how*).

The *Coroner.*] Was it on the top of the lance you saw that?—On the point of the lance; pierced through.

Mr. *Waters.*] Would you kindly read that.

The *Coroner.*] "I saw a man's hat and handkerchief on the top of the lance."

Mr. *Waters.*] He added that it was pierced through the hat.

Witness.] It was pierced through the hat; because the handkerchief must have been pierced, otherwise the handkerchief would have fallen out.

Mr. *Julian.*] I suppose you will produce them.

Mr. *Waters.*] You should do that. The military carried them off in triumph. As the lancers were passing up the quay, did any of them stop beside the hooker?—There was one, when I was in the act of taking off my boots and coat, to jump off into the water.

The *Coroner.*] What did he do?—One of them remained, and he said—I heard him speaking the words myself——

Mr. *Waters.*] Wait now; to whom did he speak?—To the people that were in the hooker.

What did he say?—"Ye damned sons of bitches, we will give it to you."

Did he say anything further?—No, sir; he passed on.

You said that at this time you were doing something about your coat and shoes?—Yes; I was afraid that they would charge us in the hooker, and I intended to jump off and hold on by the hooker.

Mr. *Julian.*] He did not do it; he thought better of it.

Witness.] I would have done it if they charged us.

Mr. *Waters.*] Don't let Mr. Julian make you lose your temper.

Mr. *Julian.*] The sooner he loses it the better; for it is a bad one.

Witness.] You are the first that ever said so.

The *Coroner.*] What now, witness; what did you say?

Witness.] I was afraid that they would come to us and dart at us, and I would have jumped off the arch of the bridge rather than that. You might have done it yourself.

Mr. *Julian.*] I am objecting to this being taken as being something he said he would have done, but did not.

The *Coroner.*] Did the lancer go up the quay then?—Yes, sir.

Mr. *Waters.*] Did you see anything occur at Captain Keily's door?—No.

The *Coroner.*] You saw nothing take place there?—No, nothing.

Mr. *Waters.*] How soon after the lancers passed up, and doing what you saw, did you come out of the hooker?—About five minutes.

Did you come out after or before Capt. Murray?—I could not say whether I was ashore before Capt. Murray, or not.

Was Capt. Keily stabbed at the time you were talking to him?—No, sir, he was not.

Was he stabbed after you came out of the hooker?—He was.

It occurred in the charge, then?—Yes.

In the interval between your leaving him and coming out?—Yes.

When the lancers passed up, did you watch any of them where they went?—What I saw of them went to the root market.

How many of them?—About three or five; but I could not tell the exact number.

Did they go into it?—They went inside the shambles; inside the walls that were there.

The *Coroner.*] You mean the walls of the root market?—Yes.

Mr. *Waters.*] Did you say by what entrance; there are more entrances than one to that market; did you say by what entrance they went in?—I saw two of the horses go in by the middle or east entrance.

We will leave them there a moment, and I will ask where did the other lancers go?—I could not say.

They went out of your sight?—They went out of my sight, and I could not say where they went to.

Tell what you saw occur in the root market?—After the lancers passed up, and when I was thinking of getting ashore, I saw a man upon his face and eyes.

You did not hear my question, or don't appear to understand it; did you see the lancers inside the root market doing anything?—No, I did not.

Did you watch them further, or did anything else attract your attention?—I did not watch them particularly.

Say what you saw?—When I looked I saw this man down; about 10 feet from the north-east entrance to the Linney.

The Linney is immediately inside this entrance?—I don't know what you call it; but I call it all the Linney, and it was about 10 feet from the entrance into that.

Was that O'Brien?—It must be O'Brien; but I did not know who he was then. I did not know who he was; I only saw a man on his face and eyes.

The *Coroner.*] About what distance did he say from the entrance?—About 10 feet from the north-east entrance to the root-market.

That, I understand, was on the quay?—Yes, sir.

Did you see that man afterwards?—No.

Did you see him taken up?—No.

Can you state what became of him?—No; I cannot tell anything more about it.

The *Coroner.*] And you cannot tell what became of the man, or anything more about it?—As soon as I got the chance of being clear of the lancers, I went away from the quay off home.

Mr. *Waters.*] Did any of the persons who were collected about Captain Keily's door or gateway in any way assault or assail the lancers?—No, sir; not in any way whatever; neither by shouting, stone throwing, nor in any way else.

Did you see stones thrown out of the hooker?—No.

Did you see any person down there on the quay, within your sight, assault or assail the lancers while you were there?—No, sir, I did not.

Did

Did you look at the root market before the lancers entered it?—I did.

Were there any stones thrown from the root market, while you saw it, before the soldiers entered it?—No.

That is all I have to ask you.

Cross-examined by Mr. *Julian.*

Was it when Capt. Murray said he would heave the scoundrel overboard that threw the stone that you prepared to save him the trouble?—He was not on board at the time.

How long were you on board when Captain Murray came on board?—About three minutes.

Take that down. The witness swears he was on board three minutes.

Witness.] It was only then I saw him. I don't know when he came on board. It might be one minute after that he came on board; but I did not see him. It was about three minutes after I came on board that I saw him.

You are after swearing that he was not on board when you were preparing to jump overboard?—Yes; he could not have been very long after me when I came on board.

If you did not see him on board when you were going to jump overboard, how can you venture to say that you heard him use the expression that he would throw the scoundrel overboard if he knew him?—I heard him make use of an expression similar to that statement.

You did hear him say it?—Yes.

Whom did he say it to?—I could not tell; I did not see the man.

Did you shut your eyes?—No; I was getting off my hat and shoes.

Are you not after swearing that he was not on board when you were going to take off your boots and coat?—No.

Was that your answer, that he was not on board when you were taking off your boots and coat?—No; it was when I heard him saying this to this party, and telling them to throw no stones that I saw him.

Which is truth?—At the time I got on board Capt. Murray's hooker, I did not see him.

That is not my question; I will make you answer it?—

The *Coroner.*] You should allow him to explain.

Mr. *Julian.*] I will when he answers my question.

Witness.] Mr. Coroner, at the time I got on board of Captain Murray's hooker, I did not see him.

Mr. *Julian.*] My question is, whether Captain Murray was on board, or not, at the time he was going to jump overboard?

The *Coroner.*] Do you hear that question?—I do.

Mr. *Julian.*] No, I will ask it of you again?—Was Captain Murray on board when you were going to jump overboard?

Witness.] When I heard his voice I had a hold of the——Let me explain. I was thinking of something else that day. I am not afraid of anybody, and never was in my life.

You were not afraid of the lancer?—When I was going on board the boat, I got afraid of the lancer. The people ran at the inside of the boat, and consequently the boat listed over on that side. I got hold of the shrouds, and I was unfastening my boots, when I heard Capt. Murray say, "Don't throw any stones." Then I looked, and I saw Capt. Murray.

I let you go on, but you have not answered my question?—That is the truth.

I ask you again, was he on board or not when you were going to jump overboard?—He was on board then.

Did you tell me then, in answer to the very first question, that he was not. Answer me?—I said he was not on board when I said I was going to jump overboard! No; I did not say that.

Don't you remember the first question I asked you; was it at the time that Captain Murray threatened the fellow, that you were going to save him the trouble?—It was when I heard his voice; when I heard his voice telling the party that I was taking off my boots and coat to jump overboard.

Mr. *Julian.*] I want you to take that down, Mr. Coroner.

Witness.] I looked and saw him then, when I heard his voice.

The *Coroner.*] Did you see that he was on board when you were attempting to jump overboard?—I did; I swear that.

Mr. *Julian.*] But you did not see the stone thrown, to which his observation applied?—No.

Do you know who your companions were at Mr. Keily's door?—Yes, some of them.

Do you know them all?—No; there were about 10 there.

Do you swear that there were but 10; Captain Murray having sworn that 20 came from Captain Keily's door?—They did not all come from Captain Keily's door; they came from the quays, in every way.

Mr. *Julian.*] I know which I would believe.

Mr. *Waters.*] Don't make these observations to the witness. They are highly improper.

The *Coroner* requested Mr. Julian not to use such an observation again.

Mr. *Julian.*] Why, Mr. Coroner, you see all these things on the part of me, but do not see them on Mr. Water's side. You never see anything he does wrong.

The *Coroner.*] I don't think he has done so.

Mr. *Julian.*] You never see it when on his side.

The *Coroner.*] Go on with the witness.

Mr. *Julian.*] Do you swear that but 10 came from the door of Captain Keily's to the boat?—I could not say how many.

You said there were but 10?—I said about 10.

Will you swear there were not 20?—I will swear that there were not 20 at Captain Keily's gate.

Take that answer, sir.

Were there people come from other quarters on board the boat, besides those that came from Captain Keily's door?—I don't know.

Did you tell me that a moment ago?—I said there may be.

Did they; you being on board that boat, and with them; and do you mean to say that they did not go on board from other quarters?—I could not tell where they came from.

Then, is your answer that you did not know

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whether they came on board the boat from other places besides Captain Keily's door?—Yes.

How many were on board the boat?—Well, as near as I could guess, there might be about 20.

Will you swear there were not more?—I will not.

Are you certain of 20?—No.

How many are you certain of?—I could not say that.

Will you swear there were not 30?—I will.

Then, will your answer be, that there were about 20, but that there may have been more?—Yes; that is as near as I can make it.

The *Coroner.*] There were about 20, and there may have been more?—Yes; and some of them were women.

Mr. *Waters.*] Did you hear the last portion of the answer?

The *Coroner.*] What was it?

Mr. *Waters.*] Some of them were women.

Mr. *Julian.*] How many, upon your oath?—Some. I saw two.

I thought it would come to that?—Well, they were women; there may have been more women; but I saw two.

Upon your oath, did you not intend to convey to us that there were more than two?—I did not, upon my oath. I came here to tell the truth, upon my oath.

If there were but 10 at Captain Keily's door, and, to the best guess you can make, there were about 20 on board the boat, where did the rest come from?—I cannot tell.

Is that your best answer?—It is.

Did you see any people coming down the quay from towards the bridge?—No.

At any time?—No; but I saw them run into the Linney when the charge was made.

Why did you see that?—I think it was confined to the upper part of the quay view.

Did you see any people coming down the quay from the direction of the bridge, before the lancers?—Yes.

About how many?—I could not say.

Were there hundreds, upon your oath?—There may be hundreds.

May there be 500 coming back down that quay?—No; to the best of my knowledge, there was not 500.

Now, I am talking of between Captain Murray's boat and the bridge?—Yes.

Will you swear that there were not 500 there?—I could swear that there was not 500.

Will you swear that there were not 300?—I will not.

Do you know the appearance 500 would make on a wide open quay, considering that so many can fit into a building like this?—I can form an opinion.

You will swear there were not 500?—Yes.

But you will not swear that there were not 300?—No.

Mr. *Waters.*] Where did he see them coming or running?—From the charge of the lancers; they were running from the direction of the bridge down towards Keily's yard, and some of them got on board the vessels; towards Murray's hooker and Keily's store.

The *Coroner.*] Do you say from the lancers?—Yes; they were running down the quay from towards the bridge, and the lancers were charging the people.

Mr. *Julian.*] Might I ask how you have that answer?

The *Coroner.*] "I saw a great number of people running down from the direction of the bridge towards Murray's hooker and Keily's yard, and the lancers were charging the people."

The *Coroner.*] Now, about the number; could you swear that there were not 300 there?—I could not; but I could swear that there were not 500; and I saw the people getting on board the yacht and the "Johanna."

You do swear that there were not 500 there?—Yes.

Well?—Part of the number got on board the vessels that were lying on the quay.

Mr. *Waters.*] Do you know the names of these vessels?—The yacht, the "Johanna," and Captain Murray's hooker.

The *Coroner.*] And these were the people that were running?—These were the people that were running from the bridge.

Mr. *Waters.*] You said something about the Linney?

Mr. *Julian.*] Well, really, you had better examine the witness again.

Mr. *Waters.*] I want to complete answers.

Mr. *Julian.*] Will you or the coroner take it down?

The *Coroner.*] Some of these people went where?—They ran to any place they could get; to the hooker, the yacht, the "Johanna," or into the Linney.

Mr. *Julian.*] Did they make for Captain Murray's boat, the yacht, the "Johanna," and the Linney?—Yes.

Did they make for Captain Keily's yard?—No, sir; I did not say that.

Did you say already that some of the people ran towards Captain Keily's stores?—No; in that direction.

Your evidence already was that the people that came down the quay ran towards the boat of Captain Murray, and you yourself added at the time towards Captain Keily's stores?—Yes; in that direction.

But how close to Captain Keily's stores did they come?—Well, they must not have got to Captain Keily's stores, because I did not see anybody down that far in that way.

Well, did you see them get as far as the "Johanna"?—Yes, the "Johanna" and the hoekor.

Was not Captain Keily's yard opposite to the vessel?—Yes.

And they got as far as the yacht?—Yes.

How far short of the yard did they stop?—You say they got as far as Captain Murray's boat, and ran towards the gate of Captain Keily's stores; now, how far short of the stores did they stop?—I cannot say that; I saw no people to the eastward of it. From Captain Keily's to the bridge I saw them scattered and running away with their lives, jumping into the boats and running into the root market.

The *Coroner.*] Some jumping on board, and some running into the root market?—Yes; I saw they were jumping everywhere to save their lives.

Was Captain Keily's door open?—His door was open at the time I ran for the hooker, but the gate was not, for if the gate had been open at the time I would have gone in there.

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Will you swear that some of the people that were running to the boat did not make for the hall door of Captain Keily's house?—I will not swear that: oh, there is no hall door; there is a shop door, and it is from the gate you go to it; there was an open door, and if I could have got in by the gate I would have gone in there.

Then you say that it was without your knowledge the stone was thrown at Captain Murray's boat?—Yes, I will swear that.

Did you hear anybody on board saying anything about throwing it?—I heard Captain Murray talking of the man, but no one else.

Do you know who did it?—I did not.

One having been thrown without your knowledge, more might have been thrown?—Not very well after that.

Were you not taking off your boots and trousers?—Yes; but my eyes were on the quays after that.

Were you not stooping to take them off?—No, I was not, I had a hold of the shroud.

Do you take off your boots with your hands up in the air?—Yes.

Could you describe to us how?—No, not now.

Or, if you give us some idea of how you do it?—If you come with me, and put me in the same position, I will do it.

Show us how you do it now?—I could not here.

You should have seen it thrown, then?—My eyes were fixed on the lancers, but I did not see any thrown then.

If there was one stone thrown without your seeing it there could not be any other?—There could not have been any other stones thrown.

There was a boat outside of yours?—Yes, there was a lighter; but it was not beside it exactly, it was touching the hooker's bow.

Were there any stones in that?—Indeed there was not.

Was there anybody in it?—I did not see any one.

Well, now as to the boats between you and the bridge, were there any people in them?—I saw the people going on board of them, but afterwards I did not see.

When the lancers passed the yacht and went down the quay did you see the quay?—Yes.

Did you then see O'Brien on it?—No; it was when the lancers returned to the Linney that I saw him lying.

Was he then lying on it?—He might have been there, but I did not see him.

Did you look at all from Captain Murray's boat; it was near the root market, and the distance not being far, did you look at all towards the root market from the time the troops passed until they came back again?—No, I kept my eyes fixed on the troops; I did not see anything that passed in the root market.

Had the troops passed back to that spot before O'Brien was down?—I saw him when they came back; it was between the open of two or three lancers I saw the man down.

Did any pass him?—I could not tell that.

You swore that the lancers were between you and him when you saw him, and that it was between the open of them that you saw him?—The lancers were passing this way and that——

Mr. *Julian.*] I will ask you to take that down: "The lancers were passing this way and that, and it was when they were opening I saw him."

The *Coroner.*] That was when you first saw O'Brien?—I did not know who the man was at all. I saw a man down; but I don't know who it was. It was when the lancers were opening in passing that I saw him.

Upon your oath, do you swear you saw no stones thrown that day?—I did.

Where?—From about the bridge.

What time about?—As an honest man, I will tell the truth. It was at the cavalry charge down the bridge, in or about the iron rails, I saw one stone thrown.

You were at Captain Keily's, and it was large enough for you to see it?—I don't know how large it was, but I saw it in the air. It was at the charge that the stone was flung.

While they were charging?—Yes; I saw one stone in the air. It was just near the iron railings, as near as I could judge from where I was standing.

Mr. *Julian.*] Have you added, sir, that he saw it from Captain Keily's door?

The *Coroner.*] No.

Witness.] I was standing at the time opposite Captain Keily's gate on the quay.

Mr. *Julian.*] Was that the only stone you saw thrown that day?—Upon my oath, it was.

Did you observe that day, or before, stones newly laid on the quay?—No.

Or on the square?—No.

At the time you saw the stone thrown at the bridge, was there shouting?—No.

Was there no noise?—No; only the charge that the cavalry made.

How far from the bridge had the cavalry started, or had they started at all?—

Mr. *Waters.*] That last question was not taken down.

The *Coroner* said it was down.

Witness.] I only saw the coward cavalry charge. In fact, if the people had anything in their hands, they behaved damned bad and cowardly parts. They are a disgrace to their flag. They rode at men, women, and children, and they would as soon take a child of two years old on the top of their lance as what they did.

How far had they got before a stone was flung?—At the necessary.

Mr. *Julian.*] I don't know where that is.

Witness.] At the end of the railings.

Mr. *Julian.*] Were there soldiers at the bridge at the time the stones were thrown?—It was at the charge down the quay.

Were they there?—They were passing down the bridge.

Were they close to it?—They were; the soldiers might have passed under the stone while I saw the stone; that stone might not have touched them, because it might exceed the bounds of the quay.

But might it have touched them?—It might.

Were they close enough to them to be struck by it?—It might have struck them, but it might have missed them.

Mr. *Julian.*] All I have is, that they were close enough to be struck by stones. God help them if they got all the stones flung that day!

Witness.] I did not put it that I was there the whole day, and that was the only one I saw.

Now, if you did not see another stone flung that day, did you see anything else?—No, sir, I did not.

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Did you see a stray bottle flung that day?—No.

Did you see a great many bottles about the streets next day?—No, I did not.

Did you see any sticks flying?—No; why, yes, I did, I saw a sparring match between Rady Lyons and some countryman; that was the nicest engagement I ever saw.

Did you see sticks thrown at the soldiers?—No, I did not.

Did you see them in the hands of parties?—No, I did not.

Was there not one on board the boat, upon your oath?—There was; the mast.

Did you take a lesson from Captain Dower?—No.

Did you see any other sticks there?—No.

Did you see one anywhere else, in any one's hands, that day?—No, except the two men fighting, and they were in the hands of the two men fighting.

If you did not see stones thrown, did you see stones in nobody's hands?—No.

Upon your oath, had you not one in your own hand?—Upon my oath, I would not, for I would think it a cowardly thing to take them up.

Now, you swore, on your direct examination, that you did not see Captain Keily stabbed?—I did not see him, nor did I see the other man stabbed.

But you said he was stabbed in that charge?

Mr. *Waters.*] What he said was that it was in the interval between when I went on board and when I came on shore that he was killed.

Mr. *Julian.*] I will back my memory against yours that that was not what he said. He stated that it was in the charge he was killed, although he did not see it.

Witness.] I said he was killed in the charge; there was only the one charge.

Was anybody speaking to you about your evidence before you came into court?—Nobody but Mr. Hudson and Mr. Hackett.

Are you thinking of going to sea?—I am in the "pool," ready for sea. I have been over and come back again since this.

Was it of you one of the jurors said was ready for sea?—No; I could not tell whether it was or not; I did not tell any juror that.

The depositions were then read, and, on the suggestion of Mr. Waters, the two Yards of Mr. Curran were distinguished as Eastern and Western, and an alteration made in a sentence to this: "The lancers charged down as far as the gate of the Eastern Yard."

On Mr. Julian's suggestion, the words "I saw stones thrown that day," were corrected to "I saw a stone thrown that day."

The depositions having been read,

The *Witness* said, it reads now right enough.

Mr. *Waters.*] It was by Mr. Julian's request that alteration was made.

Mr. *Julian.*] Yes; but I get the benefit of the contradiction.

The Court then adjourned till ten o'clock the following morning, Wednesday.

Fourth Day.

Dungarvan, Wednesday, 9th January 1867.

The inquest on the body of William O'Brien was resumed at 11 o'clock this morning in the Court-house. The names of the jury having been called—

Richard Curran, being sworn, and Examined by Mr. *Waters*, deposed:—

R. Curran.
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What are you?—I am a Shipmaster.

Were you near the Court-house on Saturday the 29th December?—I was.

Where exactly were you?—I was leaning on the spikes of the gaol on my chest.

Is that the railing that surrounds the building?—It was at the angle of the building here.

It is the angle around this Court-house, or the angle opposite Dwyer's-house; it was on the gaol railings; that will do as well as anything else?—Yes.

Had you full view of the bridge?—I had; to the top of the bridge, right to the very centre of the bridge, over the centre of the archway.

Did you see an escort coming with voters?—I did.

Do you know Major Wombwell's appearance?—I did.

Was he with them?—He was, and Mr. Maguire.

Mr. Maguire is a magistrate?—He is, of Clonee Castle.

Were there many people assembled or collected about the bridge?—Well, there was; they could not avoid it.

Were there hundreds?—Well, I could say there were hundreds, chiefly women.

Was the crowd composed of people that usually assemble at elections, men, women, and children?—It was only the second election ever I witnessed, and I have no idea of such a thing.

Both voters and escort came down to the Court-house?—They did.

That was the polling place?—Yes, it was.

Was there any assault or attack of any kind whatever made upon either the soldiers or voters until they arrived at the Court-house?—When first they came down the escort——

But first with regard to the voters, were they assembled in any way whatever?—I did not see it.

Mr. *Julian.*] But what were you going on to say of the escort?

Witness.] Wait one moment. When the escort came up to this side of the bridge, Major Wombwell turned to the right, towards Shandon side and

and the railings at this side of the bridge. Mr. Maguire came on.

Did the voters pass on at that time?—No; they were coming up in the rear.

Then was Major Wombwell in the van or rear?—He was in the van or front, as I would call it.

I just wanted that to be made clear, for I understood that he was in the rear. You say Major Wombwell turned to the right?—He did.

Did the voters pass on?—Yes.

You mean that Major Wombwell turned to the right, and the voters passed on?—Yes, as he turned the voters passed on.

Mr. *Waters.*] He means that as Major Wombwell turned to the right, that the voters passed on. Did you then, or at any other time, see any attack made upon the voters, or any attempt made to take them away from the soldiers?—I did not.

The *Coroner.*] You say that you saw no attack then made upon the voters, or at any other time?—No, I did not.

Mr. *Waters.*] Or any attempt made to take them away?—No.

Did you have a good full view until they came down to the Court-house?—I had.

Describe what you saw occur there?—I saw Major Wombwell attack two men, and each man got between vacancies of the rails. He used his sword freely with them; but I cannot swear whether it was the edge, back, or flat he used.

The *Coroner.*] Describe again were you saw the men get?—It was between vacancies in the railings, but they could not get through; they had not space to go through..

Mr. *Waters.*] Do you mean by the vacancy the space where one rail would be out?—Yes; of course the men had not space to get through; it was too close.

Mr. *Julian.*] Will you pardon me if I ask how you have taken the answer of the witness.

The *Coroner.*] Yes; "I saw Major Wombwell attack two men, and use his sword freely with them; they attempted to get through the railings, but had not space to get through there. I will not swear whether it was the back, edge, or flat of the sword he used."

Mr. *Julian.*] That is pretty accurate, but the reason why I get up is this: to draw attention to the fact that this is evidence upon matters considerably anterior to what occurred at these transactions, before what we are met to inquire into; but I don't want to be taken as seeking to shirk inquiry or to shut out what occurred even the day before, or as far back as Mr. Waters pleases. But I want to draw attention to the fact that these matters, being anterior to the transaction, might be prevented from being given in evidence; but that when I come by and by to answer them I shall not be met with an objection. I don't think I will have any from Mr. Waters, for he said that everything that proved to be done that day by the military was admissible; but that is as good for the one as the other. At the present moment the evidence is of an assault committed by Major Wombwell at the bridge upon two persons, and is very foreign to the inquiry here. I don't shirk it, but I wish not to be shut up by and by when I come to speak of it.

Mr. *Waters.*] If Mr. Julian had patience he would have seen that this was the beginning of the charge in which this occurrence took place; and more than that, I say now again, that where there is now a *primâ facie* cause of manslaughter at least made against soldiers that day, I say that every act done by them from the moment that they mounted their saddles that morning, every word said by them, even their gestures, everything whatever that shows the animus of these men, is evidence against them, and you would not do your duty if you did not hear evidence upon this point.

Mr. *Julian.*] I don't shirk the evidence from the moment the men mounted their saddles, but I express my opinion that it is not evidence in this inquiry; but let it now proceed.

The *Coroner.*] This was at the building at the same time.

Mr. *Waters.*] This is the very identical charge, sir, in which this took place.

Mr. *Julian.*] Mr. Waters then considers that everything they did from the moment they mounted their saddles that day is evidence. I will go back even to the day before; but let it be understood that I did not shrink from it while objecting to it.

Mr. *Waters.*] Of course the Coroner can rule in any case of evidence tendered as to its admissibility, and I am sure he will rule it properly.

Mr. *Julian.*] Very well, let it go on.

Mr. *Waters.*] Will you tell me now, before the assault made by Major Wombwell upon these two men, did you see any stones thrown, or any other assault made upon him or the lancers?—None whatever.

Were you looking in that direction?—I was.

And would see it if it occurred?—I would, and then the space across to the bridge was very short.

What did you see next?—I saw three lancers attempting to force the deal-yard gate.

Were there people inside?—There were.

And did they force it?—They did.

What occurred then?—While they were doing that there were others cleared around the Bank at the Shandon-road, and immediately opposite the Bank there was one woman fell, and a horseman ran over her.

With regard to the three lancers that were trying to force their way into the yard, did they go in?—Yes.

What did they do then?—They charged down the yard; they charged down upon the people in the yard. There was one gentleman there.

He was in the yard?—Yes; he climbed over the wall between the wall and the Shandon-road, and he was the only one that I recognized in it.

What occurred with regard to him?—Nothing whatever.

And you saw nothing except that charge in the yard that you have specified?—I did not.

What did you see done to the woman?—She was ridden over beside the new Bank.

The *Coroner.*] Was this not what occurred in the yard?—It was all in the same space of time; it was within a very short time.

It was by the one party?—Yes.

Mr. *Waters.*] How many were there in the escort, were there 20?—There were about 40.

We ought to have their names. We can state how

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how many were there?—If there were not 40, there were more.

The *Coroner.*] Where was the woman ridden over?—Opposite the Bank.

By one lancer or more than one?—One lancer rode over the woman.

Mr. *Waters.*] You saw one woman ridden over by one lancer opposite the Bank?—Yes.

Did you see anything else happen to that woman?—I did not.

Were there any stones thrown, or any assault made by the crowd in the vicinity of the woman?—I will not swear that there was or was not. I was not looking in that direction.

Mr. *Julian.*] Take his answer that way.

The *Coroner.*] You cannot say whether an assault was made or not by the crowd where the woman was ridden over?—Yes.

Mr. *Waters.*] Before she was ridden over I asked him——

Mr. *Julian.*] Where was she ridden over?

Mr. *Waters.*] My question is, Can you say whether there were stones thrown by the crowd before she was ridden over?—I did not see any.

Mr. *Julian.*] That would be immediately before, is that what you mean, Mr. Waters?

Mr. *Waters.*] Yes, of course.

Mr. *Julian.*] Well, let it be that way.

The *Coroner.*] You cannot say whether stones were thrown by the crowd immediately before the woman was ridden over?—That is my answer.

Mr. *Waters.*] Was your attention attracted to that spot before she was ridden over, or was it the fact of her being ridden over that directed you to it?—It was the fact of her being ridden over that attracted my attention to it

We will leave that side altogether, and now turn your attention to the quay side; what did you see occur there?—Immediately by the gaol wall, close to where I was, there was one lancer, and he stood up in his stirrups and struck a man with all his might with the butt of the lance, the part that goes into the socket, right between the shoulders.

Mr. *Julian.*] With all his might?—Yes.

Mr. *Waters.*] How far was that from you in feet?—It was about 15 feet.

Mr. *Waters.*] About five yards from you?—Yes.

The *Coroner.*] You say he stood in his stirrups and struck a man with all his might?—He struck the man with the butt-end of his lance, between the shoulders.

Mr. *Waters.*] Are you able to say that the butt of the lance is shod with iron?—I can swear it; for I have seen many of them, and have had them in my hand.

The *Coroner.*] You say the man was about five yards from you?—Yes.

Mr. *Waters.*] It would be desirable that we had one of these lances in court.

The *Coroner.*] I suppose we can very easily have one brought here.

Mr. *Waters.*] I think it is very desirable the jury should see the instrument.

Before that man was struck, did he assault or assail the soldier in any way whatever?—He did not.

How far was he from the wall?—He was close to the wall.

Was he doing anything whatever?—Nothing whatever.

The *Coroner.*] He was close to the wall, and did not assault or assail the soldiers?—No.

Mr. *Waters.* Did you see anything else afterwards?—I saw a woman hurt afterwards.

How was she hurt?—I went to see how she was hurt; but she was hurt on the right thigh.

Did you see her thigh?—I just looked over the women's shoulders that were gathered around her; there is a delicacy in such things, and I did not look further.

Did you see anything else?—Nothing, until the bugle sounded.

Did you see any of the lancers charge down the quay?—I did not.

Did you see where Major Wombwell went?—I lost sight of him altogether. I won't swear which way he went. I could not see down the quay from the place where he went, and I lost sight of him altogether.

That is all I have to ask.

Mr. *Julian.*] Where do you reside?

Mr. *Waters*] One moment. Did the blow that struck the man between the shoulders knock him down?—It did; just at the butt of the wall, between the wall and the ground.

Cross-examined by Mr. *Julian.*

Where do you reside?—At Abbeyside.

Did I understand you to say you describe yourself as a mariner?—Yes, a master mariner.

Do you go to sea at present?—I do.

Have you given up that line?—I have not, unfortunately, sir.

Oh, why; was it unfortunate at all times?—Sometimes it is.

I only want to know why it is that your vessel was in port at that time?—No; she has not, nor has she ever been here.

Were you here many days?—Since Christmas Eve.

You were in town during the election?—I only just came to town that day to see the election; but it was not to see the election that I came; it was to see a person that attended the election that I happened to be in town.

But the fact is, you were idle that day, and you had no proper occupation?—No.

You had perfect liberty to do as you please, and were doing so?—Yes.

What hour did you come to town?—It was about a quarter to 11 o'clock when I left the house.

Had you been up in the square?—No, not that day.

Had you been up to the town before the time you speak of?—No.

What hour was it you speak of?—I won't swear as to the time, as I never carry a watch with me. I cannot give an answer as to time.

Well, give the best you can of Dungarvan time that day?—I should say it was between one and two o'clock, or thereabouts. It was somewhere about one o'clock.

At the time you first speak of?—Yes.

What had you been doing up to that time?—The principal part of the time, I was speaking to a friend of mine, Mr. Barry.

Was

Was he taking any part in the election?—He was, I believe.

What Mr. Barry?—Mr. Barry of Youghal.

Was he out about the town?—He was out walking about an hour with me, in front of the gaol.

What time?—I dare say it was before one o'clock, when we were walking.

Besides that, what else were you doing that day?—I was going to see the state of the polling from booth to booth; but I did not stir outside the court-house yard.

From 11 o'clock?—No.

You did not stir out?—No.

Had you a vote yourself?—No.

Were there any voters coming in for a short time before that; there was something of a lull?—There was.

How long were you outside of the court and about the bridge there, before the voters came to the bridge escorted?—I dare say about an hour and a quarter.

That was outside, about the bridge?—No, not about the bridge; but in the court-house yard.

I don't want the court-house yard. About how long before the voters came up were you in the vicinity of the bridge?—I was not in the vicinity of the bridge; I was in the court-house yard.

And was it from that you saw everything that occurred?—It was.

You did not leave that at all?—No.

Is that clear on your notes up to the present time, Mr. Coroner?

The *Coroner* read the latter part of the depositions of witness.

Mr. *Waters.*] He says he was on the railings of the gaol when it occurred, and you might add, sir, "I never left them."

Witness.] I was not on the railings, only while the escort was coming.

Mr. *Julian.*] I wish it inserted that he did not leave the enclosed space of the court house all the time.

Witness.] Save and except the time I was walking up and down with Mr. Barry, outside the railings.

Mr. *Julian.*] I will not mind about your talking to Mr. Barry.

Mr. *Waters.*] Was that either after or before what you were telling about?

Witness.] It was before.

Mr. *Waters.*] Oh, then that is immaterial.

Mr. *Julian.*] You say, "It was during the entire time that the matters to which I am deposing in evidence, that I was on the inside the railings"?

Witness.] Yes.

How long were you in the court-house yard, before the voters came up?—About seven minutes.

Were you out seven minutes before?—I was out on the spires or spikes of the gaol before that, about four minutes. I was not out near the bridge about half an hour before that; I was on the railings, and you are pretty elevated when you are up there.

Oh, you were elevated, were you? Now, as far as you are able to form an opinion of the crowds within your view, and how they were spread, upon your oath, how many hundreds were there assembled there before the voters came up?—I should say about 400 or 500 people. I should say about 400.

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Will you swear that there were not double 500?—I will not, sir.

You will swear that there were 400 or 500, but not double it?—That is my evidence, sir.

You will swear there were not double it?—I will not.

The *Coroner.*] You will not swear there were not double that number?—No.

Mr. *Julian.*] That is it. Did you happen while you were on the rails, or inside of them, to see Mr. Kennedy, the magistrate, "sunning" himself in the window opposite you?—I did not.

You did not see him at all?—No.

In Mr. Dwyer's house?—I did not.

Up to the time the voters came in, these people were in the vicinity of the bridge?—They were.

Now do you undertake to swear, one way or other, whether the lancers and magistrates in their company were or were not pelted with stones as they brought in the voters at the bridge?—I will not swear it.

Do you mean to say, one way or another, whether they were pelted or not?—I don't know, one way or another, whether they were pelted or not. There was a large coach came up at the rear, and it may have prevented me from seeing whether there were stones thrown.

Mr. *Julian.*] It is extraordinary what prevents people from seeing on these occasions.

Mr. *Waters.*] Some people see double these times.

Mr. *Julian.*] It would be better to see double than none at all.

Mr. *Waters.*] I would not like to see double, then.

The *Coroner.*] He says he does not know whether the lancers and magistrates were pelted or not.

Witness.] I won't swear whether or not.

Mr. *Julian.*] He says there was a large coach that prevented him from seeing!

Mr. *Waters* complained of the unnecessary trouble the Coroner was getting, in having to take this. The jury would have it all, and he would have it all himself in the newspapers.

Mr. *Julian* said it was quite regular, and he wanted it for more than the jurors.

Mr. *Waters.*] Very well.

Mr. *Julian.*] Well, give your answer.

Witness.] There was a large closed-in coach that was protected by the soldiers, that prevented my seeing it.

Did you see a stone thrown there, Mr. Curran, upon your oath?—I did not see a stone thrown by any individual that day.

Did you see stones in the air?—No.

Did you see a stone strike anybody?—I did not.

Can you account for how a witness of yesterday, a quarter of a mile off, saw one, when you did not?—I cannot.

Were you there?—Yes; but we might not be looking in the one direction.

Were you here when Captain Bowderen swore he saw it?—I was not in the town yesterday, the principal part of the day, at all.

I am sorry for it; but you saw no stone thrown at the bridge?—No.

Are you long enough in town to know when

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the last powdered paving stones were laid down?—I don't know.

Did you see any newly laid down?—I think there is some on the bridge, there, about Abbeyside.

About the bridge out of town?—There was.

Did you see any at the railings?—No; I did not observe.

Broken stones to throw handy?—No.

Do you mean by Abbeyside, the other side of the bridge?—Yes.

I only want to know about this side of the bridge, and on the quay; did you see any on this side of the bridge or quay?—My attention was not called to them.

You swear you did not see them?—I did not; but they might have been there.

Upon your oath, did you see anything at all thrown, which would tend to the lancers on the bridge when you were there?—I distinctly swear on my oath that I saw nothing at all done to the lancers that day.

Until they commenced to do something themselves?—Yes.

That is your evidence?—Yes.

The *Coroner.*] You swear that you did not see anything done to the lancers there that day, until they commenced it themselves?—

Mr. *Julian.*] In fact, before or after?—

Witness.] Yes; before or after.

The *Coroner.*] Do you swear you did not see anything done to the lancers at all that day?—I did not see anything done to them before or after, that day.

Mr. *Julian.*] Now, Mr. Curran, when I asked you a moment ago, did you see stones thrown at the lancers, I think you hesitated at first, and asked me where; now, perhaps if you did not see them there, you saw them some place else?—I did not see them thrown that day at the lancers at any time. They might be, for what I know.

Were you about the town?—I was not.

I will make my question more general, and I will say "in any part of the town"?—In no part of the town.

Did you see a stray bottle or stick meandering through the town that day?—I did not; nor a stick.

Take an aërial flight?—No.

Did you see Mr. Maguire?—I did.

Did you see anything done to him?—No, I did not. He walked right on, but never slackened his pace, until he first stopped somewhere about the hotel.

You did not go at all on the quay?—I did afterwards, to attend on a most painful occasion.

Did you go immediately afterwards on the quay?—No.

Did you go on the quay at all while the lancers were on it that day?—I did not.

Did you see any stones in any one's hands that day?—No.

Did you hear any expressions used to the lancers that day while they were drawn up?—I did not; I did not see them drawn up any where.

Were they not drawn up on the bridge?—They were walking on with them then.

Were there any of them drawn up at the end of the bridge when the voters were coming in?—No, there was not.

About how long were they in view?—About five minutes.

What were they doing?—They had good work on hand.

Were they standing or stirring?—They were stirring.

Did you hear any expressions used to them then?—No.

No offensive expressions?—No.

Did you hear any names called them?—No.

Will you swear they were not?—I will not swear anything of the sort.

Did you hear any remark made about the flag they possess?—I made a remark myself, but not in their hearing.

About their flag?—No, but their conduct.

Nothing about being Orangemen?—Nothing whatever.

About their religion?—No.

Or about their flag?—Nothing at all.

Or about their country?—Nothing.

Or about the English flag?—Nothing at all about the English flag, or any other country.

Upon your oath, did you use any offensive or irritating remark to them in their hearing?—None.

Was Mr. Dwyer's house opposite to where you were standing?—The space between Mr. Dwyer's and Dr. Halley's was opposite where I was.

Do you mean to say that Mr. Dwyer's house is not opposite the court-house?—It is.

And you did not see Mr. Kennedy in Mr. Dwyer's house on that day?—No.

Did you look to the windows before the voters came up at all; were you looking there?—No, I was not.

Were you on board any of the vessels on the quay that day?—I was not.

Up to that time?—No; up to that time nor after.

Re-examined by Mr. *Waters.*

Just one question; did you see policemen about the bridge or the court-house?—I did as I came across.

About how many did you see; did you see 50 or 100, or about that number?—They were parading here opposite; I should say there were from 12 to 14 twos. They were going in twos.

Was there a sub-inspector of police with them?—There was.

How many yards were they from this occurrence?—They went about up and down near the gaol.

About how many yards were they from where this occurred that you saw?—I should say about 50 or 60 yards, or 100 feet to where all this occurred that I have been speaking about.

Mr. *Julian.*] I will follow that up.

Mr. *Waters.*] Strike it out as utterly foreign to this investigation.

Mr. *Julian.*] But I beg your pardon; it must go down.

Witness.] But to where the man and woman were hurt it was not 50 yards.

Could they have the same view of them, or see all as well as you could?—I don't think they could; they were not elevated.

Were you elevated that day?—I was.

You say the police could not upon the spot there see what occurred that day?—Not as well as I could.

Could they see it?—They could not see it, from the people.

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About how close to where the woman was thrown down were the police?—I should say about 10 or 12 yards.

Mr. *Julian.*] Take that, if you please.

Witness.] There was a line of military drawn up between them and the police too.

The *Coroner.*] It was between the police and the woman you saw the line of military drawn?—Yes; it was drawn across to Dwyer's, from the angle of the gaol.

For how long were you perched on the railings that day?—I should say from four to five minutes.

And did all you have given in evidence occur in four or five minutes?—It did.

Mr. *Julian.*] Will you take that he was there four or five minutes, elevated on the railings.

The *Coroner.*] And all you have described occurred in four or five minutes?—Yes.

The depositions were then read, and signed by the Witness, who was bound over to appear and prosecute upon them, if called upon.

CORNELIUS REDMOND, being sworn, was Examined by Mr. *Waters*, and deposed:

Cornelius Redmond.

WERE you in the neighbourhood of the court-house on this Saturday, the 29th of December?—I was.

Just state where you were exactly?—I was standing outside, nearly opposite the court-house.

Were you standing against the railings?—I was standing inside the railings, convenient to where Curran stood.

At the point nearest the bridge?—Yes; it was rather up, near the corner.

Did you remain there all day during what occurred that you are going to depose to?—Yes.

The *Coroner.*] Just inside the end of the railings, nearest the angle nearest the bridge?—Yes.

Mr. *Waters.*] And near where Captain Curran stood, he said, also; where first did you see the voters and the escort?—I saw the voters at the Abbeyside end of the bridge; I saw the voters and escort at the other side of the bridge, coming over the bridge.

Was there a crowd collected in the open space between the court-house and the bridge?—There was, on each side of the road.

Describe how the voters came and how they were escorted?—The voters came on cars, a single line of cars, and passed over the bridge.

Now describe the position of the escort, was there a guard in front?—They passed along over the bridge, and there was a guard in front and a guard in the rear, and a guard, as I thought, on each side of them.

When the voters came across the bridge did the crowd begin to shout?—When the voters came across the bridge the crowd shouted; it was more a buzz than a shout.

Now will you tell me, as closely as you can estimate, how many soldiers, infantry, and police were in the vicinity of the court-house at that time?—There seemed to be about 50 policemen in the immediate vicinity of the court house; they were drawn across the street, and a passage in the middle.

Were there infantry as well?—Yes, there were.

How many were there of them?—I could not exactly say.

Were there as many as police?—Scarcely as many; they were drawn up in the street, and there was also a large body up near the hotel.

The *Coroner.*] They were drawn up on either side of the court-house?—Yes.

Mr. *Waters.*] You say there were more at the hotel?—Yes, there was a larger number at the hotel; more than 50; they were standing under arms.

The *Coroner.*] There was some infantry also?—Yes, and some of the police were standing with their backs to the railings.

Mr. *Waters.*] About how far is the hotel at which the police were; is it 100 yards from this space where the voters and escort were passing?—About 40 yards.

Now, sir, when the escort and voters appeared on this side of the open space, were they assaulted in any way by the crowd, or assailed in any way?—Certainly not.

The *Coroner.*] What do you say?—The voters and escort, when they passed over the bridge, were not assaulted by anybody.

Or was there any attempt made to take away the voters from the escort?—Not the least attempt; the voters continued to pass on and not the least attempt was made; the voters did not stop at all, they passed on quietly.

How was the crowd composed?—It was composed of men, women, and boys.

A mixed crowd, such as collects on such an occasion?—A mixed crowd, such as collects at elections or large public meetings.

Now when the crowd began to shout as the voters were passing on, say what you saw?—As soon as the voters and soldiers came over the bridge, a portion of the soldiers turned to the right, and a portion to the left.

What soldiers were these?—The lancers.

State what occurred then?—I lost sight of the people and the lancers at the other side. I paid no further attention to them; but my attention was entirely directed to the people and the lancers at the quay side; the peoplwere closing.

Mr. *Waters.*] Wait now.

The *Coroner.*] You lost sight of the people and lancers at the Shandon side?—Yes; and my attention was directed entirely to the quay side.

Mr. *Waters.*] You say that the crowd closed; and what?—The crowd was gradually closing in on the quay side, that is, closing in towards the road. They closed in two or three feet towards the road, and then the lancers turned around, and immediately began to plunge their horses on the quay side.

The *Coroner.*] They closed in on the road two or three feet on the quay side?—Yes.

Mr. *Waters.*] Did they close in to endeavour to obstruct the passage of the lancers?—Oh, no; there was quite room enough for three or four lines of cars, and only one passing; I might say

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say six lines of cars, having ample passage for the voters. That was proved by the fact that the voters continued, and without any stop in any way, continued to move on.

Did that closing in obstruct or press upon the escort in any way?—Certainly not. The place was wide; there was ample room.

Now you stated that the lancers plunged their horses?—The lancers turned towards the people and began to plunge their horses, and stoop forward on the horses holding the lances in their hands, while the horses continued to plunge.

The *Coroner.*] After "plunge their horses" you said something?—Leaned forward, and holding their lances.

Were the lances directed or not against the people?—Unquestionably.

On what side?—On the quay side.

Unquestionably they were directed on the people?—Unquestionably, and the heads of the horses too. I know nothing of the other side at all. I could not see the other side through the people.

Now did they plunge their horses so near as that they came upon the people with horses or lances?—Yes.

Did you see any violence used by them, or see any people struck, or did you see them come into collision with any of the people?—No, I did not.

The *Coroner.*] You say you did not see the lancers coming into collision with any of the people?—Yes.

Mr. *Waters.*] That is, at that time. Up to that time had a stone been thrown?—Not a stone.

State what you saw after that?—Then the soldiers, after a minute or two, the lancers, rushed down the quay, and I heard cries, about a couple of minutes.

Did the people resist them or fly from them?—The people fled from them; I saw the lancers rushing forward as in a line of battle, with their heads stooped on the horses, and their lances in their hands; they rushed forward on the quay, and I saw no more of them.

The *Coroner.*] The lancers rushed forward with the lances in their hands?—

Mr. *Waters.*] As in a line of battle.

The *Witness.*] As if going into battle.

The *Coroner.*] You saw no more of them?—

Witness.] I saw no more of them; but I heard the cries of women and of people being killed. I heard the cries from the direction in which they had gone, from the direction of Captain Keily's house. I heard the cries that people, that two persons were killed, and that several were knocked down; that people were killed.

Mr. *Julian.*] Are you going to take the cries?

Witness.] I heard the cries of women, and that people were knocked down and persons killed. I heard them from the direction in which the soldiers went.

Mr. *Waters.*] Did you see any actual instance yourself of anything occurring within your sight, of anything done by the soldiers there?—No, I did not.

The *Coroner.*] You saw nothing done by the lancers?—No, I only saw them plunge.

Mr. *Waters.*] Have you seen, Mr. Redmond, many contested elections in this town and county?—I have; for the last 20 years I have seen them.

Was this an ordinary election crowd?—

Mr. *Julian.*] I object to the crowd; I object to asking about a crowd, except as to what they did.

Witness.] It was a smaller crowd than generally at other elections; it was smaller than that at Serjeant Barry's election; there was a larger crowd at it.

Mr. *Waters.*] State the demeanour of the crowd when the horses were plunging; did they resist the lancers, or were they assailing them?—The crowd seemed to be as quiet as any crowd could be, and I saw neither stones nor sticks in their hands.

Were the voters and escort assaulted at that time?—No. I never saw so few people on the quay, for I had been round there but a few minutes before. I don't think there were half-a-dozen on the quay at the time. I had just come around a short time before that, and I wondered where they had all gone to.

Mr. *Julian.*] Don't give us your wonders.

Mr. *Waters.*] Do you say the character of the crowd was perfectly orderly and peaceable?—Perfectly orderly and peaceable.

In your opinion, were the police in the immediate vicinity quite sufficient to hold that crowd, or any crowd, in check?—Indeed there was more than sufficient police. There were quite sufficient police in town, without any soldiers, to manage the election. The police understand the people better than the soldiers.

At the time that the lancers were plunging their horses against the people in that way, where were the voters; had they passed on?—The voters had nearly all passed on, and were in the hands of the police in the court-house, and at the hotel. They were perfectly safe; and the lancers charged down the quay and left the voters. They went down the quay where there was no voter; they ran away from the voters, and charged the people. They were in the hands of the police, who were leaning on their firelocks, and they were perfectly safe. The lancers left the voters whom they had gone there to protect, and charged the people.

Will you describe the demeanour of the lancers; did they appear cool or otherwise?—The lancers appeared fierce and determined; I never saw men who appeared more wicked or determined than they appeared as they were charging the mob.

Mr. *Waters.*] That is all I have to ask.

Cross-examined by Mr. *Julian.*

You are Mr. Redmond, of the "Waterford News;" am I right?—Yes.

You are in the triple capacity of proprietor, editor, and reporter at present to the independent and impartial "Waterford News"?—I won't say that I am in a triple capacity.

Are you proprietor?—Yes.

Are you editor?—I cannot say that.

Do you edit occasionally?—I do edit occasionally, but I have assistance.

And you are doing reporting at present?—Certainly.

Then I am right. Though you may not be on the

the permanent staff of reporters, you do duty occasionally as a reporter?—I do.

Have you any objection to tell me which side of the glorious struggle the impartial "Waterford News" took?—It took De La Poer's side, and I am very proud of it. It was the right side.

You are very proud of it, and I hope you will be much the better of it; did you ardently write him up on the occasion?—I did.

Quite unpaid, I am sure?—Quite so.

Either in the past or future?—Neither one nor the other.

Mr. *Waters.*] I am very slow to object to my friend Mr. Julian's examination; but I really do call upon you to interfere. This has nothing to do with the inquiry.

Mr. *Julian.*] I want to see the extent of the gentleman's interest in this matter.

Witness.] I don't object to it at all.

Mr. *Waters.*] I really don't see what it has to do with it.

The *Coroner.*] I think it is a waste of time.

Mr. *Julian.*] Well, sir, I will not take your opinion as to waste of time, for I find that your observations are all directed to one side of the court, and that you permit scenes that would disgrace any court.

The *Coroner.*] I don't hear these observations on the other side.

Mr. *Julian.*] I know you don't. I know you neither see nor hear them on the other side.

The *Coroner.*] Your observation is most uncalled for.

Mr. *Julian.*] Well, sir, if I am to be treated in the way I have been since I came into this court, I shall make more of them before I leave.

The *Coroner.*] Perhaps it would be better for you not.

Mr. *Julian.*] That will be as you may choose to take action; but I shall not hesitate in the discharge of my duty. I was prepared for this before I came here.

A *Juror.*] I think, Mr. Coroner, the jury ought to be consulted. Mr. Julian is detaining the jury by unnecessary questions.

Mr. *Julian.*] Over and over again I have called the Coroner's attention to remarks of Mr. Waters stopping while he was writing, and he never once corrected him. All his observations have been directed to me.

The *Coroner.*] I recollect no such thing.

A *Juror.*] Well, sir, if the Coroner has any privilege by which he can shorten any question, and prevent it being over and over again and trebly repeated, it would be well. This is the fifth day the jury has been kept here.

Mr. *Julian.*] That is the gentleman who is most prominent here, and who has kept the Court waiting this morning for an hour.

The *Juror.*] My reason was, I think, quite a sufficient apology for having kept the Court waiting.

Another *Juror.*] We have been all here now a good while, and we are of the same opinion as on the first day.

Mr. *Julian.*] I cannot go on while you allow these unseemly attacks to be made upon me.

The *Coroner.*] Go on now, if you please.

Cross-examination resumed by Mr. *Julian.*

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Are you near-sighted or far-sighted?—Far-sighted.

There is no defect in your vision, is it not so; did you tell me that you are far-sighted?—Yes; I can see perfectly well without glasses, except a newspaper, or anything near. I cannot read without glasses; but I can see at a distance rather better than other people; rather better than many people.

And I take it that you don't see what is not there to be seen?—I cannot read for many years without glasses.

Did you swear that the voters crossed the bridge on cars?—Yes; that is what I believe.

I am not asking for your belief; do you give in evidence what you saw or what you believe?—I saw a single line of cars coming over the bridge, and the lancers galloping about them.

Did you say that you saw the voters crossing the bridge on cars?—Yes; I believe that they were on cars, and I saw a line of cars on the bridge.

Would you be surprised if the voters walked across the bridge?—Well, I don't know that.

Will you swear that they did not?—I will not swear that they did not.

Might you be mistaken then?—(*No answer.*)

I ask you to take as his answer that he will not swear that the voters did not walk across the bridge. By the way, you did take a strong view of the military on that occasion?—Yes.

Of course I don't blame you. And you have expressed that view very freely, and talked over their conduct; is not that so?—Yes.

Might I ask you, did you talk it over and express your opinions very freely about it to-day, before you came into the court?—No, I don't know that I did.

This morning; and were you not labouring to describe what you saw on the bridge?—No.

Are you sure of it—this morning—to point out what you saw, and where you saw it, on the bridge?—I might have been speaking to persons on the other side of the bridge.

Were you expressing your views about it this morning, or did you talk of it at all this morning?—Yes, I did.

Of the conduct of the military upon that occasion?—I was speaking of the place where the military were coming over the bridge.

For how long were you talking of it this morning?—I was talking of it at the other side, about the place that the military and the cars were.

In whose company were you talking of it?—Two or three gentlemen on the other side.

Give me their names?—(*No answer.*)

I am accused of wasting time; now, out with them?—I was speaking of it to two or three gentlemen; is it necessary to give their names?

Yes; because I will supply you with them if you don't give them out freely. Do you hesitate to give the names; do you object to give the names?—

Witness.] Is it necessary, Mr. Coroner?

The *Coroner.*] I think you had better give the names.

Witness. I was speaking of it to a reverend gentleman at the other side of the bridge.

Mr. *Julian.*] I don't allude to the reverend gentleman; I don't allude to him at all.

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Witness (*after considerable hesitation*).] To Mr. Flynn.

Is that Mr. Flynn the juror?—Yes; but I should say——

Let us have the name first?—I should say that Mr. Flynn was speaking of what occurred yesterday evening here, as to what occurred at Mrs. Whelan's at the other side. He was speaking of what occurred there, and said a few words about what occurred here.

You had better not embarrass the matter more than is necessary. At present I am confining myself to your talking to the juror as to the nature of your evidence?—I was not talking about the nature of the evidence, but Mr. Flynn was speaking of what occurred in reference to himself at Mrs. Whelan's.

Mr. *Julian.*] I ask, with deference to the Court, that as far as you can you will take the evidence at the moment. I know you do so as far as you can; but I will ask you to take his evidence that he was talking to Mr. Flynn about what occurred at the bridge.

Witness.] Mr. Flynn was speaking of what occurred here last night, and the evidence that was given about Mrs. Whelan.

The *Coroner.*] Were you speaking to Mr. Flynn about this transaction?—Yes, about the transaction at Mrs. Whelan's.

Mr. *Julian.*] I ask you, were you speaking of what took place at the bridge, or its vicinity, this morning, to Mr. Flynn?—I was speaking to Mr. Flynn about the distance from where I stood to where the soldiers charged the people. I was merely calculating the distance, and I asked the reverend gentleman how far it was, and he said about 20 yards.

How long were you talking with him?—About a couple of minutes.

How many turns did you take during that two minutes?—Mr. Flynn was not with me all the time. He spoke of what occurred last night, and the evidence that was given when he came up.

The *Coroner.*] Were you speaking to Mr Flynn here this morning about the evidence that you were to give here?—No.

Mr. *Julian.*] That is, you did not say to him that "I am going to swear so-and-so; but did you speak to him about the transactions that occurred at the bridge on that day?—Yes; I was speaking of the transaction, and the distance of the soldiers to the bridge. I showed Mr. Waters here where the soldiers stood, and pranced on the people, just as I showed it to other people.

The *Coroner.*] I think you say you were speaking to him about the transactions on the bridge?—Yes; I was speaking about the distance, and where the soldiers charged the people. I was speaking about that; but I did not say what I would come to prove here.

Mr. *Julian.*] I know you did not do that?—It was about the distance, and from where the lancers charged the people.

Did you say from where the soldiers did trample the people?—I said from where the soldiers charged their horses; jumped and pranced their horses.

The *Coroner.*] You say you never spoke about your evidence here?—Certainly not; it was all about my place and the distance I was speaking.

Mr. *Waters.*] I think I should ask you one question. Mr. Flynn was not in your company or mine, when you were with me?—Certainly not.

Mr. *Julian.*] That is quite right, although he had a perfect right to speak to you. But he wishes to state that he was not present at or sanctioning any interview between you and Mr. Flynn.

Mr. *Waters.*] I don't mean any such thing about it, or that he was not perfectly right in what he did.

A *Juror.*] We are sworn on our oath to listen to the evidence, but what have we to do with what took place in reference to Mr. Flynn?—

Mr. *Flynn* (*the juror referred to.*)] That is perfectly right, sir. The witness never said anything to me about what he was going to depose to here to-day.

Mr. *Julian.*] I am examining the witness on his oath.

Witness.] Mr. Flynn spoke to me of the evidence given here last night.

Mr. *Julian.*] Upon your oath, did you not speak to him of anything at all about what took place at the side of the bridge that day?—I did not.

What distance did you speak about?—I said it was about 20 yards.

What were 20 yards?—I am not certain Mr. Flynn was there at the time. It was 20 yards from where I stood to where the horses were jumping and prancing on the people. I said that the soldiers charged the people about 20 yards from where I stood. I don't know whether he was there or not, then.

The *Coroner.*] What were you talking with him about?—It was about what occurred at Mrs. Whelan's.

You were speaking to Mr. Flynn for two or three minutes about what occurred at Abbey side?—Yes.

Mr. *Waters.*] Let him detail everything that he stated in the presence of this clergyman, and in the presence of Mr. Flynn. Let him satisfy the jury.

Witness.] It was about what occurred at Mrs. Whelan's, at Abbeyside, he spoke. I don't think that Mr. Flynn was there when he was speaking to the clergyman about the distance.

Mr. *Julian.*] What distance?—From where the cavalry charged the people to where I stood, it was about 20 yards. I said I should like to step the ground, and he said I need not. I could not say whether Mr. Flynn was there or not. He leisurely came up, and stopped there. I was going over to step the distance, and he said, "Don't mind it, it is about 20 yards."

Had you your spectacles on on the day in question?—I don't wear my spectacles in the street.

It has been suggested to me to ask the question by a person who was present?—I only put them on while I am reading writing.

You had not them on that day?—Certainly not. I have been wearing them for the last 20 years.

Are you summoned here as a witness, or have you volunteered your evidence?—I am not summoned as a witness.

Then you are a volunteer?—As you like.

Are you forced to give it, or are you volunteering it?—I am not forced to give it. I spoke to Mr. Barry about it, and he thought it would be well to give it here.

Mr. *Waters.*] It is every man's duty to come forward and tell what he saw.

Mr.

Mr. *Julian.*] I am not questioning your duty, and I only ask you what you did?—I did think it my duty to come forward as a witness.

Were you over other parts of the town that day?—I was over other parts of the town.

How long were you there?—From the time the voters appeared on the causeway.

Where were you before you came up?—I was about the court-house.

Had you an opportunity, from your position, of seeing how many people were there before the voters came up?—I had.

How many were there; of men, women, and children?—From 200 to 300.

Do you swear there were no more?—I do.

About this end of the bridge?—Yes.

There were no more than that?—No more.

Up to the time the voters came, and when they came?—At the time, or rather before the voters came, there was scarcely 20 people at the end of the bridge.

For how long before?—Some time before.

Did you hear the last witness?—I did.

Did you hear him swear that for half an hour before there were from 400 to 500 people?—I don't think he swore that—for half an hour.

What do you say?—I am after swearing just now, and I came from Church-street, in Dungarvan to the quay; I saw only half-a-dozen persons on this side of the quay, about 15 minutes before that.

But at the end of the bridge?—Well, on the quay I saw about half-a-dozen, but on the bridge about 20.

The *Coroner.*] You say that there were not more than half a dozen on the quay, about a quarter of an hour before that?—Yes, and I had an opportunity of seeing it. I was coming from Church-street about a quarter of an hour before that.

There were no stones thrown at all this day, Mr. Redmond?—There were.

Where?—In the neighbourhood of the bridge.

By whom?—I cannot say by whom; I saw three or four stones in the air.

At what time was that?—After the lancers had charged the people.

You saw none before?—None before.

Did you only see three or four thrown, Mr. Redmond?—That is all.

Did you see anything else beside stones?—No, nothing else.

Did you see any one hit?—No, I saw no one hit.

When you speak of the 200 or 300 that came to the bridge, that was the most you saw at any time; that was when the voters came up?—That was when the voters came up.

That number did not increase?—That number did not increase.

Did you see the people inside the railings before the voters came up?—Is it immediately opposite the court-house?

No, beside the bank?—I saw some two or three people there.

Did you only see two or three?—About that, I think.

Before the voters came up?—There were very few at the other side; there might be half-a-dozen in it. I was at this side, and when I say the opposite side I mean the bank side.

How many people were inside the railings?—I cannot say; but I know that at the other side there were very few people.

I understood you to say that you know nothing at all about what occurred down the quay; you know nothing at all about what occurred that day on the quay?—No. *C. Redmond.* 9 January 1867.

Were you up in the square?—No.

Were you there about nine o'clock in the morning?—I was.

Were you there when voters were brought in under escort at day at about nine o'clock, and did you see any stones or bottles thrown that day there?—I saw no stones or bottles thrown that day, except at the bridge; I was in the neighbourhood of this place all day.

Did you hear any offensive observations used to the lancers at all, when about the town, or before the voters came in?—Not one.

I suppose that during this investigation you were too busy to read any reports of newspapers except your own?—I read some reports.

Did you see the "Constitution" of yesterday?—No.

I only want to know, did you use this language copied into that paper; listen to this ——

Mr. *Waters.*] I object to Mr. Julian reading any report of any newspaper here.

Mr. *Julian.*] Do you remember saying that the conduct of the mob and people towards the cavalry was most outrageous?—I never said any such thing.

Or anything of the kind?—No.

Mr. *Waters.*] I really must object to all this.

Mr. *Julian.*] It is perfectly legal; did you ever say, or write, that they were a stone-armed crowd?—I wrote that the stones were thrown; but I did not write that there was a stone-armed crowd; I said that stones were thrown; but when I said that, I meant that these stones were the three or four I spoke of.

Those you saw in the air?—Certainly, that was what I meant; I saw no others, and no sticks.

And you never said that the cavalry had to bear the most outrageous attacks?—Never.

Mr. *Waters.*] Would it be true, if you said it?—Indeed it would not; I think the cavalry acted in the most wanton and savage manner, and I believe in such a way as I never saw cavalry act before.

Mr. *Julian.*] You have said that before, and that the crowd was not larger than on ordinary elections?—It was not; it was quiet, orderly, and peaceable.

Re-examined by Mr. *Waters.*

Were you in the square that morning?—I was.

Did you see the lancers charging the people in the morning?—No, I did not; I saw them moving about, but not charging; a shopkeeper told me that a lancer charged into his door.

The *Coroner.*] Don't state what you heard.

Mr. *Julian.*] Don't state what is not evidence.

Mr. *Waters.*] Did you happen to be in the square when one of the lancers stabbed a man in Dr. Anthony's shop?—No, I was not.

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We will produce a witness that saw it.

Mr. *Julian.*] Several times to day Mr. Waters interlarded his questions with observations; and I have taken notes of them, so that I may come to an understanding with him; I have suffered it to go on, and did not allude to it, because I felt that it was very galling. Now, Mr. Waters has at the present moment committed another, and I select this irregularity to show the evil, and that it should be discontinued. He first put a question that he had no right to ask; that is, "Did a lancer stab somebody in a shop in the square?" He assumed the fact; but when Mr. Waters was told not, "Oh, very well," says he, "I will produce a witness to prove that fact." I made many irregular observations, but he must admit that that was most irregular; we are all guilty of irregularities, and he should remember this when he is objecting to me; I hope it will not be continued.

Mr. *Waters.*] What is the name of the shopkeeper who told you?—The shopkeeper that conducts the "Cork Carpet House"; it was Mr. Kirby told me; he said that the lancer had charged into his house.

A *Juror.*] At the time the soldiers divided, did they seem to be guided by the direction of an officer?—

Mr. *Julian* called the Coroner's attention to the fact that Mr. Redmond, the witness, had given the name of, and told what the shopkeeper told him, notwithstanding that the Coroner had ordered him not to do so; he would ask him to make the witness be obedient, and attend to his directions.

The *Coroner.*] I thought he was quite silent.

A *Juror.*] Did they appear to be guided by an officer?—I could not say; I saw officers there; my conviction was——

Mr. *Julian.*] Don't tell us your conviction.

Witness.] I will tell what I believe ——

Mr. *Julian.*] We don't want your beliefs.

Witness.] I believe——

Mr. *Julian.*] Don't mind your belief.

Witness.] I saw officers there; but I did not hear any word of command; I was near enough to hear it.

Mr. *Waters.*] You heard some bugle sound?—I did not.

Mr. *Waters.*] Major Wombwell is here, and he can answer for himself.

The depositions of the Witness were read and signed, and he was bound over to appear and prosecute on them, if called upon.

[The Witness then retired.

Dr. Henry Anthony, of Dungarvan, being sworn, was Examined by Mr. *Waters*, and deposed:

Dr. H. Anthony.

Were you called to examine the body of William O'Brien?—I was.

About what hour in the day?—Between one and two o'clock, on Saturday the 29th of December.

Where was he?—At the shed on the quay; that is the Linney, or Root Market as it is commonly called.

What state was he in when you saw him?—Insensible.

Was he living?—Yes.

Living, but insensible?—Yes.

Describe the result of your examination of him?—I made no examination of him that day, that is, in the sheds; I looked upon him, after examining him for some time, that he was suffering from concussion of the brain.

Did you say he was suffering from concussion of the brain?—Yes; that is my opinion.

Did you see him again?—Yes, on Saturday night, the same night at the hospital; I had him removed to the hospital.

Was he insensible still?—He was.

Was he insensible up to the time of his death?—I cannot say that, for another medical man attended to him for me; he was insensible the last time I saw him, and that was on the same evening.

Did you examine him then?—I did; I made an external examination of his head, and I discovered a circumscribed swelling on the back of his head; there was a circumscribed swelling to the left side of the back of the head, over the occipital bone; on pressing over that part he appeared to have winced under the pressure, as though he felt it.

What did you deduce from that; was it that there was an injury on the skull there?—Oh, yes; that there was some external violence applied there.

Do you mean to say that it was applied by a hard instrument?—It was not by a soft instrument.

Would the butt of a lance do it?—Oh, yes, it would; a very formidable weapon; it would do it as well as anything else.

Would you say whether it required considerable force or not?—Yes; there must have been a great deal of external force to produce the concussion.

Have you seen the iron-shod ends of the lances used by the lancers?—I have seen them passing by casually.

Do you think that the injury could have been produced by a blow from the end of one of them?—I think it was, for there was no abrasion of the skin at all, and it must have been by some round hard instrument.

Now, was there any other mark upon him?—There was a slight abrasion over one of the temples and eyebrows; a very slight excoriation appeared to me to be there.

The *Coroner.*] The left eyebrow?—I could not say the left or right, but it was over one of the eyebrows.

Mr. *Waters.*] Was that such an injury as would be caused by a man falling on the ground?—Yes, it is possible.

Were the injuries that you saw upon the man the cause of his death—they had caused concussion of the brain?—I did not see sufficient external appearances to enable me to come to the conclusion how his death was caused; you know concussion may be caused with no external appearances at all.

Would it be caused?—It might be caused by other means.

If

If you heard that a man got a blow on the back of the head with the butt end of the lance, and that he was knocked on the ground by that, and afterwards there was a swelling on that man's head, and caused an injury which made even an insensible man wince under pressure, and you then come to the conclusion that he was suffering under a concussion of the brain, and never afterwards came to his senses, would you have any doubt of what caused his death?—By the blow on the head.

Did you believe that this man's death was caused by a blow of a lance?—I did.

You did not hold a *post mortem* examination?—No.

Did you dress any other injuries on other persons?—I did.

Upon how many?—I suppose about 15 to 18 in my establishment, and I believe I dressed four or five myself.

What injuries did you dress?—They appeared to be lance wounds, pierced the hat and scalp, and only stopped by the skull; that is, with a sharp-pointed instrument.

The *Coroner.*] Was it on Saturday you dressed these?—Yes.

Mr. *Waters.*] Were they such wounds as would be produced by a lance?—They were.

Mr. *Julian.*] Do you know that of your own knowledge?

Witness.] I was not by when they were given.

Mr. *Julian.*] He only says he dressed four or five himself, but did not see them given.

Witness.] That is all.

Mr. *Julian.*] You can only take that down.

Witness.] I did not see the people there; but I was out about the town and saw others.

Mr. *Waters.*] What did you say about the "scalp, in through the hat, and only stopped by the skull"?—I made no comment on it, but there were two or three persons with wounds inflicted by some sharp instrument, piercing the hat and scalp. These were old people.

What did you say about being stopped by the skull?—They did not go further, fortunately for them. These were old people.

How many were old people?—They were all old people except one young man, who got a blow of a lance at my door.

Mr. *Julian.*] Did you see him getting it?—No; but he showed it to me, and I came up just after.

The *Coroner.*] Describe the wound on the skull?—They were wounds inflicted by some sharp instrument, piercing the hat and scalp.

Mr. *Waters.*] Where was the man injured who in your shop met his wound?—On the neck, under the right ear. He described it to me that he received it from the end of a lance while standing inside my door, where he had run in for shelter.

The *Coroner.*] What was the nature of the wound; was it a punctured wound?—No; it was a contusion.

Mr. *Waters.*] What is the name of your assistant?—John Carew. I want to mention that there were only two with hats pierced, and another had a scalp wound at the top of his head, about two inches and a half long. (*A man named Michael Connery was here produced, exhibiting a patch of sticking-plaster on his forehead.*) It was not he I dressed.

The *Coroner.*] Did you see the deceased that Sunday night?—No, until I saw him in the dead-house.

He was dead then?—Oh, yes.

Dr. *H. Anthony.*
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Cross-examination by Mr. *Julian.*

Are these last cases included in the four or five you originally spoke of?—They are.

These cases of head wounds?—Yes.

Now, I think that Mr. Waters wanted you to say that these were lance wounds; you did not wish to go so far yourself; you would not like to say that they were lance wounds; would a sharp-edged stone or a bottle inflict the wounds that you saw?—No; they are too clean.

Nor the edge of a bottle?—I don't believe that they would.

Would you swear that they would not?—I think it was with a more pointed instrument than a bottle.

Did you see the hats?—I did.

Who were the owners of them?—I did not ask; they took them off their heads till I examined them.

Were they townspeople?—No, they were countrymen.

You did not ask their names?—I did not do so.

I suppose that, no matter how great your medical skill is, the man who has got the wound is better able to tell what gave it to him, or how he got it, than you could, with all your medical skill?—Yes.

And he could tell what he was doing when he got it?—Of course he could.

But if he was doing what was wrong it would be safer for him to stay away?—I won't answer that.

If he was stone-throwing?—I cannot answer; I am very sorry I did not take down the names.

You did not do better than hear from these people themselves how they got these wounds; you know that they could tell better than you or I could?—Yes.

Or what they were doing at the time?—Yes.

About this occipital bone, I confess I don't know what it is?—I will point it out to you if you will turn your poll to me.

I always prefer to see doctors operating on themselves. Have you any objection to show it me on your own head?—Not the slightest. (*Witness pointed out the bone referred to.*)

Concussion of the brain; now when a man gets that, is it confined to one spot, for instance, the part under the occipital bone?—No; but the whole nervous system is paralysed.

Supposing you had pressed your thumb on that part of his skull, would he not have winced?—He would when I pressed my thumb on it; it appeared to me sore when I felt it.

But don't you say that pressure on the whole or part of the skull would have caused him to wince if he had concussion of the brain?—No, for I tried it.

Did you ever see the butt end of a lance?—No, except in passing along the street.

Have you any idea of the weight of the lance?—Not the slightest.

You would not be surprised to hear that they are 4 to 4½ lbs. weight?—I know that they must be very heavy to balance the remainder of the length.

Do you not know that the butt end is pointed, and fits into a socket?—I think it is half rounded.

No, but pointed; that it is not left flat, but made

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made to a point?—I did not think it was so sharp as that.

It is not so sharp as the other, or sharp point; is it not suitably pointed to fit into a socket?—I thought it was something oval.

Mr. *Waters.*] If you produce one you will see it.

The *Coroner.*] I think it is usual to produce these things; we ought to have it here.

Mr. *Waters.*] We should have it produced.

Mr. *Julian.*] You may make no order at present; I am regular now.

The *Coroner.*] Go on; I am stopping you, Mr. Julian.

Mr. *Julian* (to *Witness*).] Are you able to say that the lance is pointed to some extent, and shod with iron?—It is shod with iron.

Is it reduced in size at the end?—I have not the slightest idea of that.

Supposing it to be pointed, or was smaller down the other end of the shaft, and that a man rode at full force (a soldier on horseback, with lance 4½ lbs. weight, and the end of it pointed or shod with iron) upon your oath, is there a skull in Dungarvan that would not be driven into smash or atoms by it, or is there a skull that was there could resist it?—That skull may be broken for what I know.

Supposing this state of things as Mr. Waters put it; supposing a trooper coming at full force or at full speed, presenting that butt end of the lance at any one's head, would the skull only present the appearance that was in the deceased?—Yes; his hat was on, and that was the reason why the scalp was not abrased or broken. If the hat was on, a rather thick hat on, it would prevent the abrasion.

Could it save him from more than abrasion?—It could not save him from the concussion.

But, would it save him?—That would depend upon the violence.

The evidence here was that a man rode at full speed; that a charger rode at full speed at him (deceased), and in doing so struck him on the head with the butt end of the lance; I ask you, would the skull present only the appearance that this man's skull presented?—It would, if the hat was down on the poll of the deceased.

Let us have that put down for the benefit of medical science; wearing his hat as a man usually wears his hat?—Yes.

Wearing his hat down, as usual, and after such a blow and such a charge, the head might present no other appearance than that of the head of the deceased?—Yes.

The *Coroner.*] Repeat that again.

Mr. *Julian.*] The witness says that it is quite possible that the appearance on the head of the deceased might be the only appearance that would be presented if a lancer rode at full force at him, and struck him at the butt end of the lance; was the skull fractured in the place?—I could not discover it; I discovered no fracture.

Mr. *Waters.*] Might it have been fractured without your knowing it?—It might.

The *Coroner.*] You could discover no fracture?—I could discover no fracture by external examination.

It may have been fractured, you say?—Yes; it may have been fractured.

Mr. *Julian.*] Could you say whether it was or not?—There may have been a very large fracture of the internal table of the skull without my discovering it. The internal table of the skull may have been fractured without any fracture of the external portion.

You said to Mr. Waters, I think, that he may have got concussion of the brain from some other cause than that wound?—He may.

I believe concussion of the brain will be produced from very trifling causes at times?—No, not trifling at all; they must be very serious.

Will it be produced by remote causes?—It might have been caused by a horse heading him, and throwing him over.

The evidence here is that he was thrown down by a blow of a lance?—Yes.

Might concussion of the brain be produced by a man falling suddenly forward from some trifling cause?—Not forward.

He says concussion of the brain could not be produced by somebody falling forward suddenly.

A stone may trip him up?—He could not get it from that, except he fell on his head.

You swear that a man tripping in the street, and falling suddenly forward, would not get concussion of the brain?—No, I don't say that. Do you say walking? Do you mean walking or running?

Either walking or running; if a man fall forward suddenly, with some violence, though he may not be thrown down by anybody, would he get concussion of the brain?—If he was, in running violently, to trip up, and falling on his head, he may get concussion of the brain from it.

But let it be by running now, and falling violently, with great force, forward, would he get concussion of the brain?—He may by falling on his head.

Or by falling forward?—No; he may fall on his head if he be thrown violently forward. His shoulders might keep his head from the ground at all if he fell forward.

It is hard to get it from you; but I will try to suit you thus: I put a broad open question, and don't you be trying to sift the consequences by stating these things. I ask, could a man who fell violently on his head while running, could he get concussion of the brain?—Momentarily he might; but it won't continue on him until he expired.

For how long might it continue on him?—For no definite time.

For how long may it continue; for a day or two days?—It may.

Is that what you call momentarily?—Yes; that is, according to the violence with which he fell.

But sure, if he does not come with violence, he may not get it at all?—He may get a shock which may continue two hours; I will not say for days; a fall while a man was running; I will now limit it to two hours.

May a concussion got in that way continue for one or two days?—I don't think it would; I will limit it now to two hours.

You were not with this man up to the time of his death?—No.

Who attended him after?—Dr. Hunt.

He is a practising doctor in this town?—He is the workhouse medical officer.

Mr. *Waters.*] He will be examined here.

Mr.

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Mr. *Julian.*] Take that in your hand. *(Hands witness a rough sketch of a lance drawn on a piece of paper.)* Would such an instrument, with such an end, produce the wound you saw?—That is very sharp.

Would it produce the wound?—It ought to have pierced the covering of the head, with that sharp-pointed instrument.

Would such an instrument as that produce the wound on the skull of the deceased?—Yes, it might. I should wish to have that instrument inspected here before answering.

Will you answer me yes or no; would that instrument, or such as that, produce a wound such as was produced on a man's skull?—This is no criterion to go by; I cannot swear by that dirty bit of paper.

Mr. *Waters.*] We must have the real lance produced.

Mr. *Julian.*] I will ask you to insist on my getting an answer to this.

Mr. *Waters.*] He has answered, that he cannot say until he sees a lance.

The *Coroner.*] I think it is the fairer way to send for a lance.

Mr. *Julian.*] I can only say that at present we can only deal with what we have here; and I have not been called upon to give one in evidence. I can only remark on the facts as we have them at present; and I now ask you again, would such an instrument as I have drawn on paper produce the wound that was upon the skull of the deceased?

Mr. *Waters.*] He has answered; and he says he cannot say until he sees a lance.

The *Coroner.*] I think we should have the lance.

Witness.] That is all the answer I can give; get me the original, and I will say.

Mr. *Waters.*] Let us have the original.

Mr. *Julian.*] You have an original enough here; I think I am entitled to an answer.

Witness.] I cannot say whether it would be produced or not by an instrument such as that drawing.

The *Coroner.*] Is it the wish of the jury that they should see a lance?

A *Juror.*] Yes.

Mr. *Julian.*] There is not one nearer than Cork, and they don't come by telegraph.

Mr. *Flynn (a juror).*] The jury wish to see the drawing of the lance.

Mr. *Julian.*] He refuses to answer the question. *(Paper handed to juror.)* There is not a lance nearer than Cork at present, or it would be got for you.

A *Juror.*] Was not a *post mortem* examination made upon the body?—No.

Why?—We did not think it necessary.

Another *Juror.*] Were you so decided as to the cause of death, that you considered it unnecessary?—Yes.

Mr. *Julian.*] Captain Barry and Major Wombwell say that this is a good representation of a lance, as good as could be.

Mr. *Waters.*] We can judge by the original better.

Another *Juror.*] Will you kindly hand it up to us again, that I will see it?

Mr. *Julian.*] To be sure I will.

A *Juror.*] This was made at the present time from recollection?

Mr. *Julian.*] Captain Barry, who has seen it, says it is like it exactly.

(The depositions of the Witness were then read.)

Mr. *Julian.*] If the doctor would now put upon paper a description of the contusion in the head, and what it may have been next day?

The *Witness (handing in a piece of paper with an oval figure drawn on it).*] That is the size of the contused swelling that was on the head on the evening of Saturday.

The *Coroner.*] Can I attach that to the deposition?

The *Witness.*] The size could not be demonstrated at all, and it had disappeared next day.

Mr. *Julian.*] Take it at $2\frac{1}{2} \times 2$ inches.

Mr. *Waters.*] The size of the contused wound was about $2\frac{1}{2} \times 2$ inches.

Witness.] And there was no sign of that wound when he was a corpse.

The *Coroner.*] The size of the swelling on the head of the deceased on Saturday night was about $2\frac{1}{2} \times 2$ inches, and it had disappeared when he was dead.

(The depositions were then signed, and the Witness bound over to appear when called upon.)

MICHAEL CONNERY, being sworn, was Examined by Mr. *Waters*, and deposed:

M. Connery.

ARE you a Farm Labourer?—Yes; I am taking care of a farm; of Miss Carberry's farm.

On Saturday, the 29th December, were you coming into Dungarvan?—Yes, sir.

For what were you coming in?—I was coming in to see the town; on some business I had in the town, sir.

Was it the market day?—Yes, sir, Saturday.

As you were coming in, did you see some voters escorted by lancers?—I saw a great many voters and lancers coming on the road.

Were the voters on cars or walking?—They were on cars.

Did they overtake you, or you them?—I overtook them.

How were the lancers going; were they riding before, or behind, or alongside?—There were some behind, and some before, and others were alongside.

The *Coroner.*] There were some before, and behind, and alongside?—Yes.

Mr. *Waters.*] Were you walking?—I was.

Were you on the road or footpath?—I was on the footpath, and was after putting out the cows.

Now did anything cause you to leave the footpath?—There did.

What was it?—One of the lancers.

What was it he did?—When he came after me on the footpath——

Did he ride after you on the footpath?—

Mr. *Julian.*] Where was this; on the roadside from Dungarvan?

Witness.] About a quarter of a mile from the town.

Mr. *Julian.*] I object to what occurred a quarter of a mile out of the town. If you admit that, we can give you evidence of what took place in Waterford.

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Mr. *Waters.*] It all occurred on the day of the polling, and by the very troop of lancers whose conduct is in question.

The *Coroner.*] Was this occurrence between this and the poorhouse?—It was sir, about half a mile out of town.

That is scarcely so far——

Mr. *Julian.*] I submit that it is not legal evidence, and I will ask you to rule it.

The *Coroner.*] I don't see any objection to it now.

Mr. *Julian.*] Have you taken the fact that it was a quarter of a mile from the town?

The *Coroner.*] Have you said it was a quarter of a mile?

Witness.] I could not say exactly, I think it was; I think it was in or about a quarter of a mile; I never measured it.

The *Coroner.*] You say that a lancer rode up to you on the footpath when at about a quarter of a mile from the town?—Yes.

Mr. *Waters.*] When he rode upon the footpath, what did he do?—I went out on the road, and I thought to run over across to the other side where there was no footpath; but there were three or four lancers on the middle of the road, and one of them gave me the butt of the lance there in the forehead (*pointing to a piece of sticking-plaster*), when I was going off away from them. I thought he wanted to go on the footpath, and I attempted to pass him; but he stopped the horse, and I went to cross the road to the other side of the road where there was room.

Was there any horseman on the other side of the road?

The *Coroner.*] Was there any footpath on the other side of the road?—No, sir; I wanted to cross to the other side of the road to get out of the way of the lancers.

Mr. *Waters.*] Tell what happened you then?—He struck me then.

Is it the man that was on the footpath or one of the men that were there on the road?—It was not the man that was on the footpath, for he had not time; I cannot tell who struck me; but I ran away, and one of them struck me.

Mr. *Julian.*] We have heard a good deal about evidence coming into this inquiry that will create loss of time and that has nothing to do with the death of William O'Brien; we are now taking evidence of what occurred a quarter of a mile outside the town, and I will only say that this will necessitate this inquiry being prolonged for a month. If this is not loss of time, I don't know what is.

Mr. *Waters.*] Was it one of the lancers that were riding in the road struck you?—Yes, it was.

How did he do it?—I was running away from the man that was coming on the footpath; I thought to get over to the other side, and I was passing five or six of them that were at the last of the voters, when one of them gave me a rap of the lance there on the forehead.

Mr. *Julian.*] The coroner has ruled that he will take this, and you had better go on with it.

Mr. *Waters.*] When he struck you, what happened then?

The *Coroner,*] You say you were struck with one of the lancers?—Yes; on the forehead with the butt of the lance.

Mr. *Julian.*] I will telegraph for a number of the lancers to examine them as to what occurred the day before.

Mr. *Waters.*] Did that cut you?—It did.

The *Coroner.*] What time of the day was this?—It was in or about eight or nine o'clock in the morning, in or near nine o'clock; it was when I was able to travel out.

Mr. *Waters.*] Were you cut?—I was, sir.

The *Coroner.*] Where were you struck?—In the forehead over the left eye.

Mr. *Waters.*] When you were struck, what did you do?—I was knocked down, and when I got up I went nearer over to the big wall that is there.

The *Coroner.*] Were you knocked down by the blow?—Yes, sir.

Mr. *Waters.*] He was knocked down; so it appears.

The *Coroner.*] And when you got up?—I went over to the other side of the road, and I stretched on the ground and pretended I was killed.

Mr. *Waters.*] And after you lay down there?

Mr. *Julian.*] I hope you took that down, sir?

The *Coroner.*] I have down that he pretended he was killed.

Mr. *Waters.*] What did you do next?—There were two or three horses dancing "overright" me near the wall, and they went away some place; but one of them came back to me and gave me another tip here on the eyebrow.

With what?—With the lance or stick he had, sir. It was with whatever he had in his hand.

While you were lying on the ground?——

The *Coroner.*] You say two or three horses were dancing on the opposite side of the road?—Yes, sir.

And one of the lancers came over?—Yes, sir.

And gave you another tip on the eyebrow?—Yes, sir; but my shoulder saved me from not getting it heavy.

Where did you get the second blow?—I got it on my eyebrow, and my coat was torn on the shoulder where that blow took me. The eyebrow was cut here, and my coat was torn in many places.

Mr. *Waters.*] Was there anything else done to you?—When they came to me the second time and saw me bleeding, they went away from me; there was nothing else done to me.

Had you said anything or done anything to provoke that assault?—No, sir.

Did you say anything to them at all?—No, sir, I did not.

Or do anything to them at all?—No; I did not.

Would you be able to say if there were officers with them there; would you know the difference between them?—No, sir, I would not.

Cross-examined by Mr. *Julian.*

Were you cut on the second eyebrow; show it to me?—I was, sir. (*On examination there were no*

no traces of a cut visible on the place pointed out.)

When did you get the cut?—On Saturday, the 29th of December.

Have you a second person who saw you with the cut?—Dr. M'Grath put plaster on both of them that day.

Who is Dr. M'Grath?—He is a friend of mine in this town.

Is that he, there (*pointing to a person in court*)?—Yes.

Was it on the road or inside the ditch you lay down?—On the side of the road.

Did you lie down gently, or throw yourself down?—I went on my knees and my elbows and said I was killed.

Mr. *Julian.*] Take that, sir, that he went on his knees and elbows and said he was killed; where did you go to when you died?—I came in to Dr. M'Grath's. (*Laughter.*)

Mr. *Waters.*] This is really no laughing matter, a man assaulted on the road.

Mr. *Julian.*] I don't wonder at you, at it being so ludicrous.

Mr. *Waters.*] We are inquiring into the right of a man to walk the road without being knocked down by troops.

Mr. *Julian.*] I think it was a shame to bring such a one into this court; a fellow to pretend he was dead!

Witness.] May be you would do the same if you were in dread of your life.

Mr. *Julian.*] Well, when you said you were killed?—I am going to tell this gentleman that if he was in the danger of his own life he might say that he was killed, too.

Did you call a clergyman?—No.

How long did you stop there?—I stopped a good little bit there until the people came and told they were gone. I got up and in half-an-hour went into the doctor's. I cleaned myself first.

Did you clean your coat first?—I did.

Take that down, sir, that he says that when the people told him they were gone he got up and went into the doctor's.

Mr. *Waters.*] Is it necessary to say after he cleaned his coat?

Mr. *Julian.*] I have given my opinion of the whole evidence, and I think I will show the result of my objection not being attended to. Will you swear when you had a second cut on the forehead that it was not in throwing yourself down you did not get it?—I will, sir.

Did you remain in town all day?—No, sir.

How long did you remain?—About half-an-hour, or more than half-an-hour.

Did you go home then?—I did.

Were you in the square then?—No, sir; I went into Dr. M'Grath's, I asked leave of some policeman at Mr. Fitzgerald's; I asked leave to go home, for they were not allowing any person into this place. I went away home, and stopped at home.

Were Captain Talbot's voters at Fitzgerald's?—Yes, they were. *M. Connery.* 9 January 1867.

And was it at that spot you were?—No.

You got leave from the police to go home?—After I got leave to pass them, they were not allowing any person.

Did you see any stones thrown?—No; but girls call "Down with you," "Down with you."

Down with whom?—With the Tories, of course.

Whom were they saying it to?—To the lancers and to the voters.

Did they say anything about Orangemen?—No.

Or about Englishmen?—No.

Or about their flag?—No.

Mr. *Julian.*] All he heard was, "Down with the Tories."

Mr. *Waters.*] He stated also, "at the voters and lancers." Take that down.

The *Coroner.*] You heard women and girls shouting at the lancers and voters, "Down with the Tories"?—Yes, sir.

Mr. *Julian.*] Was that in the square?—No, sir.

Where was it?—It was outside the town, a bit.

Was it in the same place where you were struck?—It was some distance, about 40 "spades" from it.

Was it further out from the town than where you were struck?—Yes; it was about 40 spades further out from the town, where I heard the girls shouting this.

Take this down, for I can show you it was continued all the way into town.

Was there any stones thrown there?—I did not see any; but I saw the hands "shooting" at them, and hats and handkerchiefs.

Whose hands?—I saw girls' and "childs'."

The *Coroner.*] What do you mean by "shooting"?—By taking hands up this way (*describes*), and saying, "Down with them."

Mr. *Julian.*] Was it the sort of motion that a fellow would make throwing a stone?—No, sir, it was this; "Down with ye," "Down with you." (*Witness waived his hand in describing the motion.*)

Mr. *Julian.*] I won't trouble myself with this man's evidence any longer; I will give you plenty of evidence on this point.

Mr. *Waters.*] The more you give, the better I will like it.

Mr. *Julian.*] We shall see.

A *Juror.*] Where was that; was it near the Convent wall?—It was at Mrs. ——— wall, a little beyond Fair-lane; there was no mob there, or any person but myself on the road; I did not see any person there.

(The depositions of Witness were read and signed, and the Witness bound over in the usual form.)

JOHN MARTIN, being sworn, was Examined by Mr. *Waters*, and deposed:

WHERE do you reside?—In Dungarvon. *J. Martin.*

What are you?—A Carpenter.

Were you, on Saturday the 19th December, at the New Bank?—I was, sir, working there.

Do you recollect the time when the voters and escort were coming in?—Yes, sir.

About what hour?—I should say it was about one o'clock; I don't exactly know, but to the best of my belief.

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When the voters and escort came just over the bridge, were there many people collected about that open space?—There were, sir, a great many.

About how many?—Well, I should say about 500, as near as I could guess.

At both sides?—At both sides of the bridge, and in the vicinity of the bridge.

As the voters and escort were passing in front of you, was there any attempt made to assault or molest the lancers or voters, or to take away the voters?—Well, when they were coming to the bridge, there was an advance of the lancers, rode up to the people to drive them back, and then there was some stones thrown. When they were coming to the bridge, there was an advance guard of the lancers rode out, and went to drive the people back.

How did they do that?—They rode at a gallop, with their lances in their hands.

How carried?—In every form, as well as I could discern; some of them had the ends of them, the butt ends, and others used them cross-wise, like that (*describing the motion*) in striking the people; and others rode their horses up against the people; the people ran back from them then.

The *Coroner.*] You cannot say which end of the lance was used?

Mr. *Waters.*] He says that they used both ends.

Witness.] From the distance, I could not see whether it was the points or butts; but that they used them, striking the people with them, but not to thrust them.

The *Coroner.*] You cannot say with which end?—Not with which end; I could not see.

Mr. *Waters.*] Before the lancers charged upon the people, and struck them in that way——

Mr. *Julian.*] He did not say charge, and I object to it.

Witness.] I said the advanced guard rode their horses against the people.

Mr. *Waters.*] And I ask him how they went against the people?—They rode at a gallop; I would call it a charge.

Before that they rode upon the people, and struck them with their lances; was there any rioting or disturbance amongst the mob?—Not the least that I saw.

Was there any stone thrown?—There was not that I saw; they were only standing there to see the voters coming in.

Mr. *Julian.*] There were no stones thrown, because there were no lancers to throw them at up to this time.

Mr. *Waters* objected to the interruption.

What was the demeanour of the people there before they were charged in that way?—They were apparently tranquil, quiet, and not disorderly; as they would be at any election, running about to see this thing and that.

Did the people at each side leave plenty of room for the lancers and voters to pass?—To the best of my knowledge, they did; there was a lane or passage between; there was at about the two corners the greatest crowds, and there was a distinct lane between them, I think wide enough for the lancers to pass; I think there was a passage, to the best of my opinion, in which there was room to let them pass.

Were there any stones thrown at them until they charged?—

Mr. *Julian.*] I object to that question, for it suggests an answer.

The *Coroner.*] He has already said that up to that there were no stones thrown.

Mr. *Waters.*] You say that after they charged upon the people, there were stones thrown?—There were.

At which side?—I could not say; they came from many quarters; but it was after the charge of the lancers to push them back; they rushed upon the people first, and then when they pushed them back, of course they did that quickly; and when the lancers came on as far as Mahony's timber yard, it was then the stones were thrown; it was after they pushed the people on before them; when I say that they pushed the people on before them, I don't mean to say that they cleared them all on before them.

The *Coroner.*] After the lancers had pushed the people on before them, you saw stones thrown?—I did, particularly from Mahony's timber-yard.

And from what other quarter?—About the bridge, that is, the angle of the bridge coming into the town.

Mr. *Waters.*] "When they pushed the people," what do you mean?—By riding their horses up against them, and beating them with their lances.

Did you see anything particular done; did you see anything about a boy?—In the confusion, while the lancers were riding about very swiftly, there was a great crowd rushed up against the window of the room I was in, and I left the room and went up-stairs. Then I saw the lancers rushing about still, and the police were going into Mahony's yard; the police went into where the stones were thrown from there; then I saw one of the Lancers come back and strike a boy with his lance at the pier of the bridge.

How did he strike him?—

Mr. *Julian.*] Are we not to have that down?——

Mr. *Waters.*] Certainly, but I don't want the whole of it down.

Mr. *Julian.*] But I do.

The *Coroner.*] He commenced by saying ——

The *Witness.*] The lancers created great confusion at that time, and the people closed up the window by getting up on the window-sill. The people got up on the window-sill of the room in which I was in, I dare say for protection; and then I had to go up-stairs to get a better view. I should state also that before I left that place the window was crowded, by a lancer rushing up close to the people there, that was before I left, and the view was closed upon me; I did see no damage done there except what the horse did to a lot of women there; the crowd closed the window, and I had to leave it.

Were there women in front of the window?—There were.

Were there many?—I should say about four or five women there.

Were there many others?—I could not say how many there were; they were against the wall together.

In front of your vision?—There were four or five women.

Did

Did the lancer ride up on the women?—He rode up as close as he could upon the women; but he had his horse held up a bit, so that he could not do much damage; he rode his horse close up to the window, and they got themselves into frightened positions.

Mr. *Waters.*] Then you went up-stairs?—I went up-stairs then.

What did you see up-stairs?—The lancers were riding about furiously from place to place, riding at everybody.

Were they assailed then?—There were stones throwing at that time; when I went up-stairs there were stones throwing from Mahony's yard, and then I saw the police went in there.

That is the inclosure in the railings there?—Yes.

Were there a dozen?—There were more than a dozen.

How many would you say?—Well, I should say that they were not very few, and they were continued for a short time.

Were they continued for a minute?—Well, I should say they were not.

Mr. *Julian.*] They were not quite hail.

Witness.] All I can say is, that they were thrown thinly for about a minute.

The *Coroner.*] You don't say how many were thrown?—I could not tell what number.

Mr. *Waters.*] Are you speaking now entirely of stones thrown from Mahony's yard?—Yes, sir, from Mahony's yard.

That was where the police went in on the Shandon side?—Yes.

How many police went into the yard?—I don't know how many; but I should say about 40. They got in one by one through the railings until the gate was opened, and then my attention was drawn from them, there were so many scenes.

Did they clear out Mahony's yard?—They principally ran the people into the slob or strand.

In what time did they do that?—I should say in a very short time. I don't think it could be more than a minute.

The *Coroner.*] They ran the people into the slob or strand?—Yes.

Mr. *Waters.*] They cleared out the yard in about a minute?—Yes.

Now describe what you say about what the lancers did outside the yard?—They were riding about very furiously from place to place, and I saw one of them distinctly riding up to two boys.

What age were they?—I could not say.

Were they men or boys?—One was apparently a young man, and the lancer struck him with his lance; a good hard poke of it, in the body. I could not swear with which side of the lance he struck him.

Where was it about?—It was on the pier of the bridge.

Where did he strike him?—On the front or breast. He gave the boy a poke of the lance on the breast while standing on the bridge.

Did you say which end of the lance he used?—I could not, sir.

What else did you see there; what happened to the boy; was he knocked down?—I could not distinctly state whether he fell down; but I think he was thrown from it.

Did he disappear from the bridge?—My attention was taken off by seeing the lancers riding down the quay.

The *Coroner.*] You don't know what became of the boy?—I don't know.

Mr. *Waters.*] Tell us what you saw at the other side at the time your attention was directed to it?—Which other side.

The quay side?—Did the lancers ride on the people there as well as on the Shandon side?

Mr. *Julian.*] Ask him what the lancers did.

The *Coroner.*] What did you see next?—I saw them running down the quay.

Mr. *Waters.*] After you did look down the quay side state what you saw there?—I saw the people run before the soldiers down the quay and the lancers rushing furiously after them.

At what pace were the lancers going then?—They were galloping furiously, in fact, they were galloping about furiously all the time.

What were the people doing; were they assaulting the lancers or flying from them?—They were appearing to do so at that time, to be flying away from them.

Did you see any stones thrown there?—On the quay; no.

Did many lancers charge down the quay?—Well, I could not say exactly how many; certainly about a dozen and a-half down the quay; there were, perhaps, more.

Up to this part of your evidence what portion of the quay are you speaking of?—That portion I had in view.

Did you see beyond where the railings end on this side?—About 60 yards beyond it.

Did you see as far as the yacht or the "Johanna?"—Just as far as the "Johanna."

Did you see the people going into the yacht and the "Johanna?"—No; I did not see them going there, for I saw some of the soldiers coming up towards the Shandon side in answer to a bugle call, that one of them gave to come back; they were going into the town.

Did you see any officers there?—I could not distinguish the officers from the men at that time, there was so much confusion.

Did you hear any call?—I heard the one call to bring up the stragglers from Shandon.

Did you see anything else?—I saw nothing more.

Did you see any stones thrown until they charged down the quay?—I did not; I shortly after that came out.

Did you see them charge?—I saw them charge down the quay distinctly.

And no stones thrown?—I did not see a stone thrown at all from the quay side.

Cross-examined by Mr. *Julian.*

You say you are a carpenter?—I am.

And as a proper respectable man you were minding your workshop that day?—I was, sir.

And not straggling about the town?—No.

Where do you say the workshop is?—It was not a workshop; it was a room in the bank.

Oh! you were preparing that?—Yes.

About how long before the lancers came up had you looked out; or can you speak of the crowd outside for any length of time before they came up?—Oh, well, the crowd were collecting at the bridge while the lancers were coming in by Abbeyside.

Had they not been collecting for a considerable time?—Yes; and they were fully at this time.

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The *Coroner.*] Do you mean to say that it was only at the time that the lancers were coming from the opposite side that the crowd began to collect?—The great bulk of them; there were some there before.

Mr. *Julian.*] Were there many there for half-an-hour before?—I cannot say for what purpose they were there.

Did you see people commencing to collect there for half-an-hour before the lancers came up?—There were people there for half-an-hour before the lancers came up. When the lancers appeared on the other side of the bridge in Abbeyside, the people then collected more quickly, but there were people there, for perhaps half-an-hour or twenty minutes. When I say this, I only looked out occasionally at what was going on.

The *Coroner.*] For half-an-hour or twenty minutes before the lancers came up there were people collected there; and when the lancers appeared at Abbeyside?—

Mr. *Julian.*] They then collected more thickly, to the amount of 400 or 500 that were there?—Yes.

Did many of them get inside of the iron railings at the bankside of the bridge?—There were a great many in it; I should say about 50 or 60 inside the railings at the timber yard, where it is railed in, beside the bank at this side of the bridge. There is no timber in it; but it is called a timber yard.

Did you see any heaps of stones inside that railing, and in that timber yard?—No, sir; I did not take any notice of them.

Can you say one way or another whether they were there?—I could not say.

Did you see any outside?—Well, I don't know that there were any outside that day; to the best of my belief there was not.

Beyond all question you saw the stones thrown from it?—I did.

Then they must have come with them in their pockets if they were not inside?—Oh, I could not say that; I suppose there were stones in the yard; generally there were stones broken at each side of the bridge, but these piles of broken stones were not there on that day, neither were they in Mahony's yard; I saw no stones in either place.

Mr. *Julian.*] Well, then, they must have come with them in their pockets?—

Mr. *Waters.*] I object to that comment.

Mr. *Julian.*] Very well; were there any persons in the inclosure at the other side?—I could not tell.

Were there many outside the inclosure at the Shandon side?—There were a great many.

Were they thick outside it?—No; they were rather thin.

About how many?—To the best of my belief there might be about 200 scattered about the bridge and about these railings, and about the corner; there were some of them on the bridge; on the end of the bridge, and outside of the railings on the Shandon side; the crowd was about the place altogether.

The *Coroner.*] To the best of your belief how many were there?—About 200 altogether in that place; part of them on the bridge, and the rest of them scattered about altogether.

Mr. *Julian.*] Then I take it that there were 250 when all were counted; were 250 on the one side, and that the other 250 were at the other side?—I should rather think that the greater number were at that side, and a great many of them ran down the Shandon side.

I am talking now of how the lancers came up?—At that time the rest of them were at the quay side.

About 300?—There was about an equal number at each side.

Can you recollect, Mr. Martin, were the voters walking or on cars?—I did not see the voters at all; there was too much confusion and the window was closed upon me.

Were the windows closed up at the time, or had the voters crossed the windows at all at the time?—I could not say; I did not see the voters at all. There was too much confusion under the window for me to see much of the voters.

Mr. *Julian.*] You said the lancers rode quickly, or whatever way you described it?—

Mr. *Waters.*] Galloped furiously.

Mr. *Julian.*] Was that the word?—Yes.

Well, I will adopt it. How did they come across the bridge?—They rode or galloped up to the people.

Did they do more than ride in a straight line, the people running away; will you swear that they rode in a different way from the way they crossed the bridge?—They parted in sunder, and they pushed the people out of the way.

Was that to clear the way?—I could not say, for there was a large passage between the people.

What did they do?—When they come up they opened in parties, and struck at them with their lances, and pushed the people out of the way.

What was that for?—To push them evidently back. They rode at them and struck them to push them back.

Mr. *Waters.*] He said that they rode at them, struck them, and pushed them back.

Witness.] Yes; they rode at them, and struck them to push them back forcibly.

Mr. *Waters.*] Mr. Julian asked if that was not to clear the way, and he said, "No, for there was a clear passage between them."

Witness.] There was certainly a passage between the people.

Mr. *Julian.*] Will you swear it was not on purpose to clear a passage that they came forward?—That might have been the intention of the soldiers; but there was a passage, in my opinion, for them to pass. It appeared to me to be to crush the people back completely, and to leave no one at all there. It appeared to me to clear the mob away completely, and leave none of them at all there.

Upon your oath, did the stones fly forthwith?—They flew when the lancers made over so far as the iron railings; they got stones.

How many seconds after the lancers came at the end of the bridge before the lancers received that fire?—I dare say it occupied but a very short time after having pushed them back.

How long was it between the time the lancers came across the bridge, and forced the people back, before the stones began to fly?—About half a minute.

Mr. *Waters.*] Take the first part of it first.

Mr. *Julian.*] Oh, then, take that it occupied them half a minute between the time the lancers began to force the people back and the stones began to fly; I ask you, upon your oath, had the people

people time to stoop for the stones before they began to fly?—They had ample time.

Did you see anybody stoop to take up stones at that time?—I did—not at that time.

Did you before that?—No.

Up to that time you saw nobody stooping for stones?—No.

Did you see nobody stoop for stones?—No.

Did you see the stones flying without seeing anybody stoop for them. I think you said that the stones were flying from all quarters at the same time?—

Mr. *Waters.*] I beg your pardon.

Mr. *Julian.*] I think he did, at the time. Did you use it, that the stones were flying from all quarters?—If I said that, I was making a mistake. They did not come from all quarters at that time, but they came from the place where the people were in the timber-yard, and about the railing before it. I did not say from all quarters.

Was the word you used from "many" quarters, when you were giving evidence before?—Well, if I used that I did not mean to imply that they came from every quarter about the place; what I meant to say was, that they came from the bridge, the foot of the bridge, from before the railings, and from Mahony's yard.

The *Coroner.*] Which did you say, the Shandon side or the other?—The Shandon; that is the timber-yard side; it is of the Shandon side of the bridge.

Mr. *Julian.*] Will you say that they did not come from each side of the foot of the bridge?—I could not say from both sides. The stones that I saw came chiefly from the Shandon side.

You said that they flew thinly for about a minute?—Yes.

Can you swear were there 100 stones flying at that time during the minute?—Well, I suppose there were.

Would you go further?—I could not go further; I could not tell the number.

Were there some of the stones much larger than the stones that were broken on the side of the road?—There were some of them the stones on the road, and some of them much larger. They were chiefly the size of those thrown on the road, and some of them much larger.

Will you say positively that they did not last for more than a minute?—It did not last for more than a minute, to the best of my belief.

What did put a stop to it?—I will tell you, as I told you before——

Did the lancers ride at them and put a stop to it?—They did.

Was that what stopped it?—Well, it certainly ceased it, to a great extent, but it did not cease at that altogether.

The *Coroner.*] The stones ceased to a great extent, but not altogether.

Mr. *Julian.*] When the lancers rode at them, that stopped it.

Witness.] I wish to say that there were no stones thrown when the lancers rode first at the people.

But did the lancers, riding at the people, stop the stone throwing?—It did not altogether; but it did after the people had dispersed——

Mr. *Waters.*] What do you want to explain after?—It may be that the stone throwing was caused by the lancers riding on the people.

Mr. *Julian.*] Let him explain anything he likes. *J. Martin.*

Mr. *Waters.*] He says that the stone throwing was caused by the lancers riding at the people. 9 January 1867.

Mr. *Julian.*] If you go back to that, I will have to go back to it.

The *Coroner.*] Is this what you mean, that the stones ceased, to a great extent, but not altogether while the lancers were riding about at the people?—Yes; while the lancers were riding at them. They rode in all directions at them.

The *Coroner.*] The stones ceased to a great extent, but not altogether, while the lancers were riding at and dispersing the people.

Mr. *Julian.* Did you see a lancer smash the lock of the gate of the timber-yard with a blow of his lance?—I don't know what opened it.

It was shut first, and the people inside of it?—It was.

Up to that time the people had full fling at the lancers, and the lancers could not get at them?—So they had.

And the people inside had full play at the lancers, and the people were flinging stones at them from inside, while the lancers could not get in?—Yes.

Mr. *Waters.*] We had that before.

The *Coroner.*] Up to that time the people were flinging stones at the lancers, before the lock was broken?—Yes.

Mr. *Julian.*] Were there stones that size (*pointing to a hat*) flung at that time?—No.

Was any nearly as large as that?—No; I did not see a stone as large as that.

Nor half as large?—No.

What was the largest size you saw thrown?—About three times the size of the broken stones at the side of the road; powdered pavements.

During all that time, did you see anything else than stones flung that day?—No.

Did you see any sticks?—No.

During that time that the lancers were on the quay side of the bridge, were there any stones flung at them?—At that time they "rushed" the people up against the window, and then I had not a good view.

Where were the lancers; on the quay side?—I could not see them; I was looking from the window in the room; I was on the ground floor.

Did you see, when you got up stairs, where these lancers went on the quay side?—They were furiously riding about from place to place.

Had they commenced the charge down the quay at that time?—No.

During all the time, and until you got upstairs, the lancers were still at the bridge?—They were riding at the bridge, and did not go up the quay.

Now, Mr. Waters asked you were there any stones flung at that side of the bridge, and I think you said there were not?—I did not see any.

Does it not simply come to this, that you did not see whether they did or not?—When I said that I said I did not see any stones thrown from that side, I could not tell whether there were any stones flung from the quay side or not; I could not see it from that side; there were none when the lancers ran the people from the quay side.

J. Martin.

9 January 1867.

How long were you up stairs before the lancers at that side turned to go down the quay?—I should say I was about a minute.

Then, when you told Mr. Waters there were no stones thrown at the quay side, you were only speaking of that minute?—Yes.

Did the 300 people who were at that side of the bridge fly, before the lancers, down the quay at that time?—They did.

Would you say there were more than 300 at that time?—They did not. I would say that the whole of the 300 did not rush away at that time.

They were there some minutes, and the voters had come in; were the numbers increasing all this time?—No. I should say not.

Did you see any of the lancers coming up the quay again?—I did.

How long were they down there before they came back?—They must have been but a very short time down, for they were coming back before I cleared away from the window. I saw nothing else after that, for we all cleared away from the place altogether.

Were you out on the morning of that day?—I was at breakfast that morning.

Where do you live?—In the Main street.

Did you see the lancers?—I did.

Did you see the stones thrown there?—No, upon my oath. Mr. De La Poer's voters were coming in at the time; that is from half-past 9 to 10 o'clock.

Had Captain Talbot's come up?—I could not tell whether Captain Talbot's voters had come in at the time.

Did you see any other stones thrown, except what you saw that day from the bridge?—Certainly not, for I was not further than the bank.

Can you name any of the parties that threw stones that day?—Indeed I could not, for I did not know one of them.

Did you hear any language that day; was the window closed?—The lower window was shut, and the other was open. If there was any language I could not hear it, for there was too much noise and shouting, and people screeching. I could not distinguish any words that were uttered.

Did you see any gentleman or magistrate there at the time the stones were throwing?—I saw no person in authority at all.

Did you see Captain Barry?—I did not see Captain Barry or any other magistrate in authority.

Do you know his appearance?—I know Captain Barry's appearance, but I did not know the other. I don't know any magistrate but Captain Barry.

Mr. *Julian.*] That is all I have to ask this Witness.

Re-examined by Mr. *Waters.*

You did not see a stone thrown at all, except from the Shandon side, Mahony's yard, or the timber-yard?—Yes.

Did you see the police going in through the bars of the gate and clearing the yard?—I saw Mr. M'Dermott, and other police officers went in and cleared the yard.

Is your evidence this: that the stone throwing was ceased when the lancers charged down the quay?—I could not say whether the stone throwing had entirely ceased at the time the soldiers charged down the quay, but for all I could see it had ceased. But there might have been some more thrown.

The *Coroner*] What do you say?—There might be one or two coming, but for all I could see they had ceased.

Mr. *Waters.*] Well, after the stone throwing had ceased, and Mahony's yard was cleared, you say the soldiers charge down the quay?—Yes.

May I ask, did you see O'Brien knocked down?—I could not see so far as that; I could just see down to the "Johanna," as she lay there.

You say that about 200 or 150 of the people were running down the quay?—They were running in fright.

Then your evidence is, that the crowd was all scattered before the soldiers charged?—Yes; but there were a lot of the people there, and they ran away before the lancers, as they came furiously down the quay.

Mr. *Waters.*] I have no more to ask.

The depositions of the Witness were then read and signed, the following alterations and additions being made:—

Witness.] The gate was broken in by the soldiers about the time that the police had got in through the railings.

In reply to Mr. Walsh (a Juror),

The *Witness* said, The stones still continued to be thrown after the police got in. There were about 20 stones thrown after the police got in. There was a last volley of stones after the police went in to keep the police away, and then the greater part were driven into the slob. I used the word "volley" figuratively.

Mr. *Waters.*] Upon my word, your manner of giving your evidence does you the utmost credit.

Mr. *Julian.*] As much so as ever I saw in any man living; are you of this county?—No, I am a Cork man.

The Witness was then bound over in the usual form, and retired.

The Court then adjourned till Ten o'clock next morning (Thursday).

Fifth Day.

Dungarvan, Thursday, 10th January 1867.

Inquest on Wm. O'Brien.

The Court re-assembled at half-past 11 o'clock this morning, and proceeded with the inquiry.

The names of the jury having been called over,

Mr. *Fitzmaurice* (a Juror) said: I think it well, before you go on, sir, to tell you that the jury unanimously intend to apply for a postponement on Friday night till Monday morning. We have been a long time away from our business now, and we have been patiently listening to what was more like a court martial than anything else, while we have not heard a word since Crowley was examined on the subject before us. It is more like a court martial than anything else.

Another *Juror.*] I am very sorry to hear that; I don't wish it postponed.

Mr. *Fitzmaurice.*] There is only one dissentient.

Several Jurors agreed with Mr. Fitzmaurice.

The *Coroner.*] We have time enough to consider that when we come to it.

Mr. *Julian* entered into an explanation with reference to his line of cross-examination of Mr. Redmond, "Waterford News," and said he had no wish to imply that witness was not able to employ reporters, or had not a staff employed.

Dr. Mahon Hunt, being sworn, was Examined by Mr. *Waters*, and deposed:

Dr. *M. Hunt.*

10 January 1867.

I believe you are Doctor of the Poor-house?—Yes.

When did you see the body of Wm. O'Brien?—On Sunday morning, for the first time.

Under what complaint was he labouring?—He was insensible.

When did he die?—He died on that Sunday.

What was the date of the day you saw him on?—It was on Sunday, the 30th December.

Was it at the poor-house you saw him?—Yes; at the poor-house hospital.

Did he remain insensible until his death?—I presume he did, for he died five or six hours afterwards.

Was he insensible up to the last time you saw him?—He was; I only saw him once.

Was he labouring under concussion of the brain?—I believe so.

Do you believe that that was the cause of his death?—I do.

Were you here when Dr. Anthony was examined yesterday?—No, I was not.

Then, I must ask you how do you believe concussion of the brain was caused?—I could not say.

Could you say that it was by external violence given to his head?—I could not positively say.

Did you examine the head?—I did.

Did you see any marks of violence on his head?—I did not; I saw no marks or wounds of any kind.

You examined him and saw no marks upon him, and you saw no marks of any kind upon the head?—No.

Cross-examined by Mr. *Julian.*

You were not here when Dr. Anthony was examined?—I was not.

How long were you doctor in the workhouse?—Over three years.

Sunday, was it you say you saw him?—Sunday morning I saw him first, before 12 o'clock.

Does that appear already on your notes, Mr. Coroner?

The *Coroner.*] No, the hour does not appear.

Mr. *Julian.*] Well, then, he says that on Sunday morning before 12 he first saw him. He says he examined the head; now would it be possible, Dr. Hunt, for him to have had a large wound, 2½ inches one way and 2 inches the other way upon his head, got at two o'clock the day before, and that all traces of it would have disappeared by 12 o'clock next morning?—Perfectly impossible.

He says it would be perfectly impossible that there should be a large wound of 2½ inches by 2 inches got at two o'clock on the day before——

Dr. *Anthony.*] I did not say wound.

Sergeant *Barry*, M.P.] The doctor says that is not the case; that it was a contused wound.

Mr. *Julian.*] I will put it in every shape, and I beg you will not interfere at present.

A *Juror.*] Nobody spoke of a wound at all.

Mr. *Julian.*] I wish you would be good enough to allow me to put my own questions, and that you would be a little more decent, sir.

A *Juror.*] Very well.

Mr. *Julian.*] Take down that he says that it would be impossible that he could have got at two o'clock the day before a wound on the head 2½ inches by 2 inches, and that all traces of it could disappear by 12 o'clock next day. Now, as to the play upon the word: there are many descriptions of wound?—Yes.

Contused wounds, incised wounds, and a great many other wounds?—There are.

I believe that a contusion is a wound?—It is.

Then could he have had what, now to please a juror, I will call a contusion of 2½ by 2 inches, received the day before at two o'clock, and all traces to have disappeared by 12 o'clock next day?—I think not.

Now, we will come more directly to the point. (*Produced a lance belonging to the 12th Lancers.*) Do you see that Dr. Hunt?—I do.

Dr. *M. Hunt.*

10 January 1867.

Suppose a lancer with that, going at full speed—I won't go as fast as full speed, but at half speed—were to ride at a man, and strike him with that end (the butt) of it in the head—would it be possible if such a thing could have occurred to that man O'Brien, whom you saw on Sunday morning—on the head, and that no further traces than you saw, would remain?—I could scarcely imagine it possible.

Nor I either?—If it glanced off his head and struck him at an angle.

If it struck the occipital bone in that way—that lance,—because the occipital bone is somewhere nearly the back of the poll?—It is the back of the poll.

Suppose he got a thrust of it on the occipital bone from a lancer at full charge, could it be possible he got that without leaving traces?—It would entirely depend upon the angle of the blow.

But directly on the bone? — It would go right through the skull, or at least produce a fracture.

Mr. *Julian.*] Take that down, sir.

The *Coroner.*] You say that the butt end of the lance produced, if used by a lancer riding at full speed against the head, and striking the centre of the occipital bone, exactly where you placed your finger, would have driven through the skull, or at least have produced a fracture.

Mr. *Julian.*] Would it produce a serious fracture?—I believe it would.

Take it in your hand and you will be better able to judge of the weight of it?—I am quite aware of the weight of it.

The *Coroner.*] I have taken it down in this way; that you are of opinion that the butt end of the lance, if used by a lancer riding at full speed, and driven against the occipital bone, would produce a fracture of that nature. It would depend on the angle——

Mr. *Julian.*] I am going to put it.

Mr. *Waters.*] What did you say about the angle?—Repeat the question.

Mr. *Julian.*] I put the case of a lancer riding at him, and striking him in the poll on the occipital bone.

Mr. *Waters.*] Did you say that it depended upon the angle with which he was struck?—I do.

The *Coroner.*] I heard him saying it myself; I heard it and the jury heard it.

Mr. *Julian.*] I am not denying it, but I want to have his words taken correctly.

The *Coroner.*] Repeat your answer, and I will take it down.

A *Juror.*] The jury are of opinion that it depended upon the angle at which he was struck.

Mr. *Julian.*] I did not put the question about the angle, and it is not right to go further.

The *Coroner.*] He gave that answer in evidence.

Mr. *Julian.*] I will put it to him in either shape, and we will get rid of it by letting it be added. Supposing a man who is described as having a contusion of 2½ by 2 inches right on the occipital bone — do you understand me now?—Perfectly.

Described as having a contused wound, could such a contused wound as that be produced by being struck in the manner described, at an angle?—It might.

Struck at an angle?—It might.

A large blunt instrument of that kind would, striking at an angle, produce a large wound, 2½ by 2 inches—must not something that produced a wound of that kind have gone straight at it?—I think not.

Can you imagine any state of things, or any mode of striking with the end of that lance upon the occipital bone, producing anything more than a contused wound of 2½ by 2 inches that would disappear next morning?—Do I think it possible?

Yes (question repeated)?—I can.

Tell how it could be produced?

Mr. *Waters.*] Take the answer down first.

The *Coroner.*] You say you can imagine how a wound of that nature can be given by that instrument, and the lancer going at full speed?—Yes; but will you allow me to explain?

Mr. *Julian.*] For your own sake, Doctor, say anything you like.

The *Coroner.*] Let us take this down first.

(*Having taken down the above,*)

The *Witness* said—But I believe that a wound produced in that way would not be sufficient to induce concussion of the brain.

Mr. *Julian.*] You mean, struck at so great an angle as to leave nothing but that contused wound, it would not produce concussion of the brain?—I do not believe it would.

You have already stated that you examined the skull; could you imagine or could it be possible for a man struck on the poll in the occipital bone, with that end of that lance, so as to throw him down, would leave no greater mark than this, or leave no mark at all, the lancer going at full speed?—It would depend very much on the kind of hat he had on, or the covering of his head. If the head was covered with a felt hat, I think it quite possible that he might get a stroke on the head that would not be apparent.

Or that that would not produce concussion of the brain?—I did not say that.

But would he not be more protected from the chance of a concussion by having a felt hat?—I think not.

But have you not already stated that a man struck at so great an angle as to produce a wound such as that, that all traces had disappeared by next morning, that it would not produce concussion of the brain?—I have.

Now in that condition, of being struck at with so great an angle, was to produce concussion, and that he had a hat on, would he not be less likely to get concussion of the brain?—Certainly; I understood you to say if struck directly at the poll.

Oh, no! you have stated that it would be impossible for a stroke directly into the poll, the horse going full speed, that concussion of the brain must be produced?—Certainly.

I put it to you, if he had the additional protection of the hat, it would be less likely again to give him concussion of the brain, and struck at that great angle?—I am not prepared to say; I think

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think the wound produced by this, with the protection of the hat, and going at the rapid rate the horse was going, I think it would be more likely to produce concussion than if he received the same wound without the hat. The same amount of force that would produce the wound which Mr. Julian mentions was produced without a hat; if that wound was produced with a hat, I cannot imagine a man escaping without concussion. If the same amount of injury was given with the hat on, I can imagine him more easily having concussion.

It would require a greater amount of force to produce the wound with the hat on than with the hat off?—Of course; if the wound was produced with the hat on it would be the more easily to imagine it causing death.

Was the concussion very little that caused his death?—It must have been very great to cause his death.

What you mean by striking the occipital bone, show the angle at which that ought to be struck so as to produce a contused wound that would disappear next morning?—It may strike the head so as to hurt it but little; but if it struck it so *(straight)*, I can scarcely imagine that it would not go through the head; but it might strike it at an angle.

But struck at so great an angle as we may imagine to produce a contusion and the man to fall?—Quite possible.

Mr. *Julian.*] What is that?—I think it quite possible that a man should fall after being struck so as to produce that wound or contusion provided he had his hat on his head.

But would not such a contusion as that be a long contusion and not a round one?—It depends upon the shape of the head.

But must it not be a long contusion, to run along the skull?—Certainly not. There are bumps on his head, and if it struck one of them it would not produce a lengthened contusion.

The *Coroner.*] You say that it is possible for a blow, struck at such an angle, to produce contusion and throw down a man?—No, I did not; but gentlemen, I think you are begging a case. I stated at the outset of the case that there was no contusion; I stated, positively, that there was no contusion, at least none visible, and you are begging the case.

Mr. *Julian.*] But I wanted to put you a case, supposing Dr. Anthony's case was right?—It might shorten the business if you will allow me to explain, to state that it is quite possible that a man may get a blow on the head which may last for a few hours; it is an every day occurrence that a blow on the head produces a protuberance which often disappears by next morning, without leaving any sign or symptom of it.

It was to meet that difficulty I went on to examine you.

The *Coroner.*] You say there might be a contusion that would disappear——

Mr. *Julian.*] There might be such a contusion as would cause death, and then disappear next morning?—There might.

Let us get this in one way or another. It is something of a disadvantage that you did not hear Dr. Anthony; a large wound such as that described, 2½ by 2 inches, over the occipital bone, is it more likely to be produced by a direct blow at the skull, or produced by one at an angle?—A wound such as you describe would be more likely to be produced by a direct stroke than by a stroke administered at an angle.

Take that, sir, that a contusion such as that over the occipital bone would be more likely to be produced by a direct blow at it than by a blow given at an angle. Is not that what you say, Doctor?—Yes, I understood you to mean a circular wound.

Yes; that is the very thing the doctor drew. Is it not supposing a very extreme case, a very unlikely case, to suppose such a contusion as being produced by a blow struck at an angle; a round contused wound on the occipital bone?—I cannot imagine it possible.

But is it not a very unlikely case?—I think it is; it depends so very much on the part of the head that is struck.

But we have the occipital bone as the part?—You have a great many bumps on the occipital bone.

What is the extent of the occipital bone?—Give me a piece of paper and I will show you. (*Makes a drawing of it.*)

Then the occipital bone is nearly the whole of the back of the skull?—It does; it forms the whole of the back of the skull.

And if the head was struck at so great an angle as to produce only such a wound, with the hat off, the man having his hat on, would it not be more likely to glance off without producing a wound at all?—It would.

The *Coroner.*] The effect of the blow would depend much upon the way the man wore his hat, and not on the angle at which the blow was struck.

Mr. *Julian.*] He thinks this: that if it was struck at so great an angle with the hat off as to produce that wound, at the very same angle with the hat on it would be more likely to glance off without doing any harm at all. (*The lance was here handed up to the jury.*)

Mr. *Flynn* (a Juror).] Is that the formation of all lances, Mr. Coroner?

Mr. *Julian.*] You will have plenty of military on the table to see whether the lance was made for the purpose. Will you tell me, could a man be likely to get concussion of the brain, running quickly, tripping over something on the ground, and falling violently?—Certainly.

Violently forward?—Quite possible.

Would he get it from that?—Quite possible.

It is possible that a man falling forward with violence in a run could get concussion of the brain?—It is possible.

The *Coroner.*] Do you say it was not likely; do I understand you to say that it was not likely, but that it was possible?—Yes.

Mr. *Julian.*] Supposing, Dr. Hunt, you were present, and heard a witness depose, Captain Murray, for instance, that he saw the deceased run across, or make an attempt to run across, the quay, and fell forward in the run, that you were called in to attend him on the Sunday morning following, that you found him insensible and without any trace of violence on his head, what would you say caused his death; he never stirring afterwards, although you found him labouring under concussion of the brain?—I would have said it was the fall on his head.

Having examined the head, and found no traces of violence?—Even if I had found it, he may have received no wound, and still die.

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Supposing you heard a faithworthy witness, whom you have no reason to doubt, describe a person trying to run across the quay, falling forward, and never stirring afterwards from Saturday, and you found no violence on his head the next Sunday, what would you say caused concussion of the brain?—The fall.

Mr. *Julian.*] I ask you to take that, for we have that state of things on the evidence.

Mr. *Waters.*] We have no such state of things, and the jury should not be allowed to listen to this.

Mr. *Julian.*] Very well; we shall see that it is there.

Mr. *Waters.*] These observations should not be made now.

The *Coroner.*] Is this: if he had seen the deceased in the state he was, and heard from a faithworthy witness——

Mr. *Julian.*] That the deceased had fallen while running across the quay, never stirring afterwards, or recovering sensibility, and that witness found him in the same state on Sunday morning, at 12 o'clock, labouring under concussion of the brain, he would say that the concussion was caused by a fall.

Then, would it be possible for the concussion so caused to continue all that time? — Quite possible.

And up to the time of his death on Sunday night?—Certainly.

Did you make a *post-mortem* examination of the body?—I examined the external surface of the body after death.

Did you find any contusion or wound of any sort on any part of the body?—No, none whatever.

Did you examine the entire body?—With the exception of the legs.

Did you examine back and all?—I examined back, head, and chest.

Re-examined by Mr. *Waters.*

Doctor, would you say, if a faithworthy witness, whom you had no reason to doubt, told you that this man was standing in life on the quay, and the next instant was struck by a lancer with his lance on the back of the head, and that he was knocked down, and did not recover again, would you say that the blow was the cause of the death?—Is it without producing a wound?

But if a competent medical man swore that he found a contusion on the head, on pressing which the man winced, would you say that that was from some injury inflicted externally?—Yes.

If a faithworthy witness, whom you had no reason to doubt, told you that this man was standing in life and health on the quay, and that he was struck on the back of the head with a lance, by a lancer riding at full speed; that he fell, was picked up insensible, and never recovered his senses, and that you swear he had concussion, and if a competent medical man, who tells the truth on his oath, found a swelling on his head after he was struck, on pressing which he winced, would you say that the blow caused concussion or not?—I would.

But supposing a lancer riding with this article (*the lance*) in his hand, and making a direct thrust at him, and supposing he missed with point, and struck him with the ring or shoulder, would it knock him down; that is, supposing the point missed him, would the ring knock him down?—I don't think it would; I think it would be impossible to strike a man in that way so as to knock him down.

Supposing it struck him that way (*Striking against the side of the desk so as to allow the ring to catch it*)?—That is a different thing altogether; that is not a head. I am willing to let you try it on me.

A *Juror.*] Does he say it would not?

Witness.] It is perfectly impossible.

The *Juror.*] That is a thing I don't believe.

Mr. *Julian.*] Mr. Coroner, I must ask you to protect the witness from these observations. The witness swears he considers a thing impossible, and a juror says he does not believe it. That is an observation should not be directed to a respectable medical man, on his oath.

Another *Juror.* (Mr. *Hannikin.*)] If one juror says that, it is no reason why you should think we were all of the same opinion.

The *Coroner.*] Mr. Juror, you are not to make these observations again.

Mr. *Julian.*] I should not be doing my duty here if I did not remark upon it; it shows the *animus* I have to contend with here.

Witness.] I will allow the juror, if he can, to knock me down, in the same way, if he does not inflict any other injury.

Mr. *Waters.*] Did you make a *post-mortem* examination?—What do you mean by a *post-mortem* examination; I did not examine the interior of the body.

Will you swear that the man's skull was not fractured at the back of the head?—I will not swear it.

Did you shave the hair off the back of his head?—I did not; his hair was cut close.

If you had done so, would you have been better able to judge?—I think not.

Could you see as well through the hair as not?—I could see as well through the hair cut short.

The *Coroner.*] You could not swear that the man's head was not fractured at the back of the head?—I could not. It is right to say there may be a fracture of the skull without having the outside bone broken, or without any wound whatever outside. The interior *lamina* may be broken, and that with a pressure on the brain that would cause death. It is quite possible that concussion of the brain may be produced without a man receiving a blow on his head.

If he fell from the mast?—That is a blow on his head.

Mr. *Julian.*] Under what circumstances would that occur?—If, for instance, a man receives a blow, or falls heavily on his buttocks, the concussion may be transferred through the spine to the base of the skull, and he may die from that injury. It has occurred over and over again, that a man has died from concussion of the brain without receiving a blow on his head.

Mr. *Waters.*] It is quite possible, as it is communicated through the spine?—Yes.

A Juror asks to have the last question down repeated.

The *Coroner.*] If I heard from a faithworthy witness that the man while standing

in health received a blow on the head with a lance, from a lancer going at full speed, that threw him down insensible, and a competent medical man on the same evening found a contusion on the part struck, and which on being pressed the man winced, and that the man died of concussion of the brain, I am of opinion that the concussion of the brain was caused by the blow, and that the man died from it.

A *Juror.*] One question, sir, and we are done——

Mr. *Julian.*] The doctor added a great deal to that, that the concussion of the brain may be caused without any injury to the head whatever; and when a juror expressed his doubts about it, he said it often had happened.

The *Coroner.*] I think that is down. This is the way I have it, that it is quite possible that a man might receive concussion without receiving a blow on the head.

A *Juror.*] The doctor explained also under what circumstances, and how, this concussion could be produced.

Another *Juror* (Mr. *Organ*).] When I made the remark before, I did not in the least mean to doubt the veracity of the doctor; but I was only expressing my own opinion.

Mr. *Julian.*] You were putting your medical skill in opposition to his.

Another *Juror.*] It is a material point for the jury to find one other question; was Dr. Hunt perfectly agreed with Dr. Anthony that this man's death was caused by the concussion of the brain caused by a blow on the back of the head? —Certainly not. I believe that the man died from concussion of the brain; but I could not say how it was produced. The impression left on my mind was that his death was not produced by a blow from the lance.

A *Juror.*] Or a blow on the back of the head? —I could not see any sign or mark of a blow on the back of the head.

Another *Juror.*] Could you explain the cause of his death?—Concussion of the brain.

The *Coroner.*] You say that concussion of the brain could be caused by a man falling violently on his buttocks, the injury being communicated through the spine?—Yes, that is it.

Mr. *Julian.*] I hope that is not from any peculiarity as to the seat of the brain in Dungarvan. He replied in answer to a juror, that he did not at all concur with Dr. Anthony that the concussion of the brain was caused by a blow on the back of the head.

A *Juror.*] Yes, that is the question.

Witness.] We are perfectly agreed as to the cause of death; but I am not at all satisfied as to what caused the concussion of the brain.

A *Juror.*] Did he mention that he saw the lump on the back of the head?—He did.

The *Juror.*] Did you believe that it caused his death?—I was under that impression until I examined the head; but on examining the head, I could find no trace whatever of injury to the scalp.

Mr. *Waters.*] Is it necessary to take down this, for the jury heard the question?

Mr. *Julian.*] Oh! this must be taken down.

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The *Coroner.*] You agreed with Dr. Anthony as to the cause of death; that is, the immediate cause?—Yes.

A *Juror.*] Did Dr. Anthony mention to you his having seen this lump on the back of the head?—He did.

That being so, did you agree with him that the lump was the immediate cause which produced death?—I believe that Dr. Anthony was quite right in saying that there was a tumour there; and I believe I am quite right in saying that there was no tumour there; but I believe also that what Dr. Anthony says was true, and that there was a tumour on the back of the head on Saturday night; and I believe also that my stating that there was no tumour on Sunday morning is not incompatible with Dr. Anthony's statement that there was one there on Saturday.

Mr. *Waters.*] I believe that is all down already.

Mr. *Julian.*] A juror wished it down.

The *Coroner.*] You believe that what Dr. Anthony said about a tumour being there on Saturday night to be quite true, and quite compatible with your not finding one there the following morning; it did not induce you to think that what he said was not true?—

A *Juror.*] You made an examination of the part of the skull on Sunday morning?

Mr. *Julian.*] But he says that notwithstanding both together, he did not believe that a blow of the lance caused death.

The *Coroner.*] Did you say that, Dr. Hunt?—

Mr. *Julian.*] Did you say, in answer to a juror, that you did not believe a blow of a lance caused the death?—If Dr. Anthony said that, I say that I don't believe that.

Dr. *Anthony* said he had not spoken about a lance at all.

Mr. *Julian.*] A juror asked you was it true whether a blow of a lance caused his death?

A *Juror.*] We ought to be particularly clear on that point.

Another *Juror.*] We are travelling away from the questions that ought to be put.

Mr. *Julian.*] I insist upon the evidence already given being taken down.

The *Coroner.*] What portion is not down?

Mr. *Julian.*] What I want to have taken down is what he last said in answer to that gentleman of the jury—that he did not agree with Dr. Anthony that it was a blow on the back of the head that caused the concussion.

A *Juror.*] Yes, that is it.

Mr. *Julian.*] And he added that he did not believe that a blow of the lance on the back of the head caused the death; did you say that you did not believe that it was a blow on the back of the head caused death in that instance?—I think not; I think I did not say that.

A *Juror.*] The next question I wish to put is this: You say you made an examination of the back of the skull on Sunday morning; Dr. Anthony having previously stated that he saw a lump?—Yes.

He said to you he saw a lump on the back of the head?—I cannot say whether he stated it to me before or after I saw the man.

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I think it is stated that Dr. Anthony was right in stating that the lump was there at this time?—Certainly.

Had you any reason to disbelieve Dr. Anthony's statement when he said he saw a lump there?—No, sir; I believe that what he stated was correct; but I saw no lump there.

Assuming that it was there, are you in a position to state, if the lump was there, that the blow causing it was not the immediate cause of the concussion?—I admit nothing but what I saw, and I did not see a lump there.

Assuming that it was, sir?—I don't assume that it was.

Mr. *Flynn* (a Juror).] But did you not tell us that the outside bones of the skull may be perfect, and the inside ones may be fractured?—Certainly, and it is not at all necessary that there should be a fracture of the skull in order to produce concussion of the brain.

Another *Juror.*] Was it while you were there that the hair was cut?—No; it was by Dr. Anthony's directions that the hair was cut. Dr. Anthony did duty for me at the poor-house on Saturday.

Was it before or after the cutting of the hair that Dr. Anthony made the statement to you of having seen the lump?—After the hair was cut.

The *Coroner.*] You did not see the patient until Sunday?—I did not see him until Sunday about twelve or one o'clock.

Another *Juror.*] Is it your opinion that Dr. Anthony is sufficiently experienced and qualified to be capable of giving a correct and trustworthy opinion as to the cause of this man's death?—Certainly, fully qualified.

The *Juror.*] As Dr. Hunt did not attend him and Dr. Anthony did, I think it is necessary to know that.

Another *Juror.*] Can you give us any idea of the cause of the man's death?—Concussion of the brain.

And what produced the concussion?—I could not tell.

And would not any medical man, seeing the symptoms that you did, and heard what Dr. Anthony observed without having seen the symptoms, have come to the conclusion that he died of concussion of the brain?—Certainly.

You say you saw no contusion at all?—None whatever.

Might they have disappeared in the meantime?—Yes, certainly.

The *Coroner.*] The last thing I have taken down here is that, "I don't agree with Dr. Anthony that the blow on the back of the head caused the concussion."

Witness.] I don't know whether Dr. Anthony expressed any such opinion. I don't believe he did so. I answered it, assuming that Dr. Anthony answered that question.

Mr. *Julian.*] The question was put by the juror in that way, and it is for him to change it now.

The *Juror.*] The reason I put it was that Dr. Anthony attended him in the beginning, and then Dr. Hunt attended him in the end. We are now perfectly agreed as to the opinion of both doctors.

Witness.] If Dr. Anthony said that it was a blow on the back of the head caused concussion, I don't agree with that.

Mr. *Julian.*] Let that be taken down. Repeat it.—If Dr. Anthony stated that it was a blow of the lance inflicted on the back of the head produced the concussion, I must disagree with him; for I am not at all satisfied that it could be produced in that way.

A *Juror.*] How many hours was he hurt before you visited him?—He was here, I think, between one and three o'clock on Saturday, and I did not see him until twelve o'clock on Sunday morning.

The *Juror.*] It was a long time?—It was a long time; but Dr. Anthony was kind enough to do duty for me that night, and he saw him that day, sent him into hospital, and visited him that night at ten o'clock.

The *Coroner.*] You say that, "If Dr. Anthony stated that the wound was produced by the blow of a lance, I don't agree with him"?—If I wanted to produce concussion of the brain on a subject, without injuring the scalp, or producing external injury, the butt of a lance would be the last instrument I would choose to effect it.

Mr. *Julian.*] Take that, now.

The *Juror.*] Are you bearing in mind the hat?

Mr. *Julian.*] Wait till this is taken down.

If I wanted to produce concussion of the brain without producing injury to the scalp, a lance or the butt of a lance, is the last instrument I would choose for such a purpose. I thought it necessary to mention that.

(The depositions were then read and signed, and the Witness bound over in the usual manner.)

A *Juror.*] If Dr. Anthony gave evidence as to the cause of his death, would the doctor be satisfied as to what he says?

The *Coroner.*] It is already stated. He says that Dr. Anthony is a competent medical man.

Witness.] I did.

The *Juror* said he wished that to appear, as the public might afterwards reflect upon them, if they found a verdict disagreeing with Dr. Anthony or with either.

Mr. *Julian* said he hoped they had not already made up their minds and found a verdict.

The *Juror* said he had not, but they had a right, as jurors, to guard themselves from these reflections. They were providing for possibilities.

Another *Juror* said they had a right to guard against the public blaming them for disagreeing with Dr. Anthony's evidence as to the cause of his death, and of finding a verdict upon one-sided evidence.

Mr. *Julian.*] You will be judged by your own conduct and observations.

Mr. *Waters.*] Mr. Coroner, I have now on the part of the next of kin made a *primâ facie* case of the cause of this man's death, and the way in which the injuries were inflicted; and I think it would be unnecessarily wasting the time of the court and jury if I went any further at present; but of course, in an inquiry of this kind, if either the cause of death be displaced, or if a justification be made for the persons who inflicted the death wound, it will be competent for me to examine my witnesses; but at the present moment I will not examine any more.

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Mr. *Julian.*] So far as I am concerned, I will not seek to question his right to produce witnesses at any time. Both of us, I hope, understand the nature of a coroner's inquest, to know that after all, if there is a side called a prosecution, and they produce their witnesses, and one for the defence, yet still the whole inquiry is one in which no one is charged; the inquiry is to ascertain the cause of death, and a witness who can throw light upon that subject, can be taken up at any stage of the case, at any moment to its closing, and that is all right. I won't question his right to examine a witness at any time he pleases. I will proceed to call witnesses now, sir, or rather, I will suggest them to the court, for it is not I nor Mr. Waters that are calling them. We are suggesting them to the court. I will now examine Mr. Greene, if you please.

The *Coroner.*] Very well.

JOHN BUTLER GREENE, R.M., Examined by Mr. *Julian*, was sworn, and deposed:

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ARE you a resident magistrate?—I am a resident magistrate in the County Monaghan.

Were you on duty at the late election for the county of Waterford?—I was, sir.

Where?—In Dungarvan.

Were you on duty on the day of the polling?—I was.

On the 29th of December?—I was.

Did you call for the aid of the military on that occasion in doing duty?—I went out on two occasions to escort voters into the town.

Did you require the aid of the military with you?—Of course I did. I was named to go out, as one of the resident magistrates.

Did you in going wish for the aid of the military and call for it?—I did not; but I believe one of the candidates requested it.

Mr. *Waters.*] Don't say what others did, say what you yourself did?—I was required to escort voters into the town, and I was sent with troops to do so.

The *Coroner.*] You say you were required to escort voters into the town, and you went with troops?—Yes.

For that purpose?—Yes; on two occasions, on the 29th.

Mr. *Julian.*] At what hour of the day did you first go out?—I think about nine o'clock; it might be a few minutes before it, or about that.

Had any troops gone out with voters before you started at nine o'clock?—Not that I am aware of.

What time did you return with voters?—I should say about half-past ten o'clock.

Do you know, as a fact, that voters had arrived with troopers at a much earlier hour than half-past ten o'clock?—I don't know that.

In what direction did you go; is it nine o'clock?—Yes. I went out by the poor house, I believe, to the residence of Mr. Roberts.

Was it from there you brought in the voters the first time?—Yes; as well as I can recollect it was from Coolnagower, and Lord Hastings and I went out together.

About how many voters did you escort into town at that time?—It appeared to me about 100; I did not make any calculation or count of them, but it may be about 100.

I suppose I need scarcely ask you if you did anything that would exercise any coercion to bring them in?—Oh, of course not; I had nothing to do with that.

Did you see any stones thrown during your ride along?—

Mr *Waters.*] Where?

Mr. *Julian.*] Anywhere.

Mr. *Waters.*] I object to that.

Mr. *Julian.*] I thought so; although you sought to prove the acts of troopers outside the town yesterday.

Mr. *Waters.*] I object to evidence of this character for this reason: Mr. Julian may give evidence as to what these lancers did out as far as the poor house and beyond the poor house, and it is perfectly right for him to do so; and it is perfectly right for me to give evidence as to everything that was done by these troopers; but he must not give evidence of the conduct of other persons that had nothing to do with the occurrence connected with the present inquiry. If he shows that they were the same crowd he may give the evidence.

Mr. *Julian* (to *Witness*).] Was it the lancers who were engaged in the election in Dungarvan were with you?—I suppose so; but I don't know the face of any one of them.

Mr. *Julian.*] Am I at liberty to put it now?

The *Coroner.*] Oh no.

Mr. *Julian.*] He says, "Oh no." Well, what I said, yesterday, was, when Mr. Connery pretended to die in consequence of something that occurred out near the workhouse, and when he wanted to give evidence as to what was done by a lancer there, it was not stated that they were the same lancers that were in Dungarvan at two o'clock in the day. There was not the slightest evidence on the part of the witness that they were the same lancers; and when I objected to what occurred outside the town, your worship ruled that it was evidence what occurred outisde the town by the lancers, nobody having attempted to show that they were the same lancers. On the same principle there should be the same ruling, and I am entitled to show what was done to the lancers by the people outside the town.

Mr. *Waters.*] Mr. Julian forgets that I asked what lancers they were who were in the escort.

Mr. *Julian.*] They were the same lancers.

Mr. *Waters.*] But it was not the same crowd.

Mr. *Julian.*] What is your argument for objecting?

Mr. *Waters.*] If John Murphy assaults you or me, that is no excuse for you or me beating John Styles. Mr. Julian wants to prove that one crowd beat the lancers, and then wants to use that as a justification for them attacking another crowd.

Mr. *Julian.*] We are here in a court of justice to be judged by the world. There are a jury, professional men, and the Coro-

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ner here, and it matters very little what my opinion is to the jurors; it is the world is to judge of us. I ask, that being so, and it being received in evidence, yesterday, that evidence would be heard as to what the lancers did; the lancers who were in Dungarvan at nine or ten o'clock in the morning. Is the Coroner now going to rule that he will now refuse to receive as to what was done to the lancers at the same time close to the town; I made an objection already to what he has received, and I say it was not strictly pertinent to the inquiry. One of the jurors says that a great deal of time has been lost, and I agree with him, but it is not now with me. Now am I, representing the military, to be shut up and prevented from going into evidence to show the treatment the military got on the occasion, and would get if they had not inflicted the injuries which they inflicted on the occasion.

Mr. *Waters.*] He has not met my objection in the least degree.

Mr. *Julian.*] I don't know that I have not.

Mr. *Waters.*] The act of William O'Brien may be admitted, or the acts of a crowd, many of whom had nothing to do with it at all, can be admitted.

Mr. *Julian.*] Mr. Waters has admitted that the witnesses are your witnesses, and that you called them all, and if the kind of evidence referred to can be elicited from the one class of witness it would be competent also to elicit it from the other. As to the evidence of Mr. Connery, yesterday, if you look back to it you will find not a single word relative to the case of William O'Brien's death. He neither swore they were the same lancers, nor did he admit he knew anything about what occurred in Dungarvan, and yet we spent the whole of yesterday with this class of evidence, and I should be glad to know why we should not go into it also, that being your witness.

The *Coroner.*] I issued summonses for them all.

Mr. *Julian.*] The court has to issue a summons for all. Yon received that evidence yesterday, and you ought to receive this to-day.

The *Coroner.*] I am inclined to think that as I received Connery's evidence I should receive this.

Mr. *Julian.*] To be sure you ought, sir.

To *Witness.*] Will you state what was the first time you saw any attack made on the lancers under your charge that day?—

The *Coroner.*] This was the first time?—Yes; the first time when we got into the square in the morning, I saw stones being pelted and flying in the rear as the voters were coming in. I was with Major Wombwell in front. There was no pelting in front, where I was with half a troop of cavalry. There was also half a troop of cavalry in the rear, and infantry alongside the voters; I saw the stones flying in the rear.

The *Coroner.*] When you came to the square you and Major Wombwell were in front?—Yes; and I was riding alongside Major Wombwell.

And when you came to the square you saw stones thrown?—Yes, when I got inside the square.

Mr. *Waters.*] He states he saw stones flying in the rear?—Yes.

Mr. *Julian.*] Whom were the stones flying at, and by whom were they thrown?—They appeared to me to be by——

Mr. *Waters.*] Don't say what they appeared to be.

Mr. *Julian.*]—Were they flung by the soldiers or the people?—They were flying from the crowd towards the troops.

Were there many stones?—I think a good many; a great many.

Did you see any weapon or missile beside a stone?—I did not; I saw people with stones in their hands; but I did not see any one use sticks.

Was your attention directed to any particular house on the square?—On that occasion?

Yes?—No.

Did you see anybody struck on that occasion; did you see anybody in particular struck?—No; I cannot say whether any one was struck or not. I did not see any stone strike any one on that occasion. I saw stones flying from one set of people to another set of people, but I cannot say who was struck or who was not.

Mr. *Waters.*] Or that any one at all was struck?—Yes.

Mr. *Julian.*] I see a good reason why this should be added; for how long did that stone throwing continue at that time?—While I was crossing the square, and while I was bringing the voters into a yard near the "Devonshire Hotel." Some of the troops remained back, and I went back again, and the stone-throwing was going on still.

Mr. *Julian.*] Repeat again what you added, and how long you think it continued?—

The *Coroner.*] He says it continued while he was going to the yard from the square, and when he went back it was still continued.

Witness.] Yes, it continued all that time, and when I went back to the square there was some excitement, and the stone-throwing was going on still.

The *Coroner.*] You say voters were with you when you were going to the square or yard?—Yes, when I was going in, but not when I was going back. On returning to the square there was some excitement and some stone-throwing going on; but I got the troops to go around and around the square, to keep back the crowd, and in a few minutes the stone-throwing ceased. I went back then to the court-house; I got back to the square as fast as I could, and I got the troops to go around the square after I went back, and I remained in the square 10 or 15 minutes; I got the troops to go round the square in that manner, and in that manner to put an end to the stone-throwing; it ceased then.

Mr. *Julian.*] Were the people forced off the square in that way?—They were forced on the flagway.

The *Coroner.*] You say that stopped the stone-throwing?—The square became quiet in a few minutes.

Mr. *Julian.*] While you were away at the court-house, did you take the troops with you, or leave them behind you?—No; there was a cordon of infantry drawn across the street, through which no one was allowed to pass, and the cavalry remained

mained in the yard while I was in the yard belonging to the hotel; I think it is the livery yard of the "Devonshire Arms," or the yard at this side of it.

Did you hear during any portion of the time any offensive expressions used by the crowd to the lancers?—I cannot say to a certainty; I will not swear that; I heard them use language, but I cannot say that they used it to the lancers; they used party expressions such as are used at elections, but I cannot say whether they were applied to the military or not. I heard them calling out "Bloody Orangemen."

Mr. *Waters.*] If Mr. Waters says that they were used to the lancers, he may go on; but if he cannot say that they were used to the lancers, he must stop.

Witness.] I cannot say for a certainty whether they were used to the lancers or not.

Mr. *Waters.*] He says that they were all the ordinary party expressions used at elections.

Mr. *Julian.*] Do you recollect any special reference to the Orange stripes upon the uniform?—I did not.

Did you hear anything said about the flag?—I did not, that I remember.

They had been up by themselves in the square that day?—They were.

Did you go out a second time that day with lancers?—I did.

What was the second time you went out?—I think it was about half past 12 o'clock.

Will you state who were the officers in command of the lancers you went out with that day at half-past 12 o'clock?—The officer was Major Wombwell.

What other officer was there in command with him?—I forget who the subaltern was. We went out to meet other troops coming in, other lancers; we were going out to meet other lancers that were coming in with voters.

Well, did you meet these other lancers that you went out to meet?—Yes.

About how far from the town?—I should say about a mile or a mile and a-half, but not more.

Did you return with them?—Yes.

Can you say who were the lancers with the officers you so met?—I think Captain Le Quesne was with them, and Captain Orred.

Do you recollect any of the subalterns?—I cannot say.

You met them about a mile and a-half from the town and returned with them?—Yes.

About what time did you return; or in what direction was that?—It was over the bridge; out that way (*pointing*). I don't know the Abbey-side way; but it was by the bridge near the court-house, and the road going out over it.

Perhaps you had better tell exactly what took place after you came in; by the way, were the voters walking or on cars?—They were getting off the cars; we had them taken off.

Was that at the other side of the bridge?—Oh yes, a good bit.

Well, state what occurred?—In consequence of directions I got I went out with Major Wombwell to meet voters that were said to be a mile or a mile and a-half outside the town, and that were being escorted into town by cavalry and police. It was over the bridge we went. When we met the voters and the escort, the voters were taken off the cars and placed in a body. I can't say where this was, but it was a long way at this side of the bridge, half-a-mile at least; they were taken off the cars. Mr. Hatchell was escorting the voters with the troops, and they were placed in a mass between half a troop of cavalry; going in with Mr. Hatchell there was half a troop in front and half a troop in rear; and when we came in a little nearer to the bridge, near some cottages, we divided the company of infantry with Major Lennon and Captain Coote, another resident magistrate; that company of infantry we divided and placed at each side of the voters; the voters were flanked with them; as soon as that was done they moved on. I was riding with Mr. Hatchell, but I then went to the front with Major Wombwell and his troop, in front of the mass, by about 15 yards separated from the mass; Major Wombwell and his troop were in front of the rest, and was not made use of to put round the men at all.

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Mr. *Julian.*] I am afraid you may be going too much into particulars in talking of the troops; were not all the troops under the command of Major Wombwell?—No, they were under my command while in charge of the voters.

Then when you met them were they under his command?—Well, I take it as a matter of course they were, according to military usage.

Mr. *Julian.*] This is a little too minute.

Mr. *Waters.*] I agree with that, but let the Coroner use his own discretion in taking notes.

Mr. *Julian.*] I don't want you to be quite so minute as to these military arrangements; did these voters proceed on across the bridge?—They did.

Give the result, as shortly as you can, omitting nothing material?—When we came to the bridge, or near it, we observed a large crowd inside the bridge, and at each side.

Could you see that crowd from the other side?—We observed it at each wing of the bridge, at the town-side.

The *Coroner.*] At each wing of the town-side of the bridge?—Yes.

Mr. *Julian.*] Well, go on?—Major Wombwell and I then, just on the bridge, divided his troop off to each of the wings, for the purpose.

Mr. *Waters.*] You will not say the purpose; say what you did; state facts only.

Mr. *Julian.*] You may state the result, which will give us the object?—He divided the troop to each side, and in front of the crowd on each side.

Was that when you got to the town-end of the bridge?—It was.

Was that by your directions?—It was my directions. My direction to Major Wombwell was to divide the troop at each side, and keep back the crowd, so as to allow the voters to pass on.

What was the effect of that?—

Mr. *Waters.*] I beg your pardon; do not put the question until I state my objection.

Mr. *Julian.*] What was the effect of that with regard to the crowd?—To keep them back.

Do you say the effect was to force back the crowd?—I intended that that should be the effect of it.

Were they forced back more than was actually necessary under your directions?—

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Mr. *Waters.*] I object to this matter.

Mr. *Julian.*] A more legal question I could not have put.

Mr. *Waters.*] That is not a legal question; you might say how far were they forced back, and then see whether they were forced back further than was necessary or not.

Mr. *Julian.*] The great object was, that there should be ample space for the voters in forcing the crowd back so far as they were forced.

Mr. *Waters.*] It is not right to suggest it to him.

Mr. *Julian.*] With evidence of this class, I decline to retract the question. Were the people forced back there more than was necessary. I ask the Coroner to say whether I will be answered or not.

Witness.] Am I to answer it?

Mr. *Waters.*] Oh, answer it; you may go on.

Witness.] Am I to answer it?

The *Coroner.*] Yes.

Witness.] Certainly not; in my opinion not more than was necessary, or than I intended.

Mr. *Julian.*] Take down, Mr. Coroner, "the crowd was not forced back more than, in my opinion, was necessary, or was intended."

The *Coroner.*] That is your opinion?—That is my opinion.

Mr. *Julian.*] As far as you intended?—Not more than I thought necessary, and than I think necessary still.

Were you in command or in authority over these lancers at that point?—I was.

What occurred then?—The voters were all surrounded by cavalry and infantry, and proceeded to pass over along the bridge. Then the next thing I observed was, that stones began to fly.

Do you say that immediately stones began to fly?—

Mr. *Waters.*] He did not say "immediately."

Witness.] I say that at that moment stones began to fly.

Mr. *Julian.*] From where?—From both sides of the sloping, from the quay side, from the railings, and from both wings of the bridge.

Were there many?—A great number.

Could you form an opinion as to the number of people in that place at that time, at the end of the bridge and the two wings, and all about that spot; the number of the crowd?—I have no doubt there were at least 1,000 people there.

The *Coroner.*] At both wings of the bridge?—At both sides, and about that spot.

Mr. *Julian.*] What class were these thousand people composed of?—They were composed of all three; men, women, and children.

Was there a fair mixture of men there?—There was, and of women and boys.

Were there many there that you would actually call children?—I did not see any children there, or what I would call children; there might be some there, but I did not see them.

When you speak of a thousand people, you speak of men, women, and boys?—I do.

Whom were the stones flung at on that occasion?—At the troops, and at the voters in passing.

Were they flung at the troops or at the voters?—They were flung at both.

Did you see any persons inside the railing; did anything; you know the new bank; do you know the new building?—I have seen one there.

Inside that railing, at that side, did you see any people?—I did.

About how many?—I could not say.

Was there a large crowd there?—I saw a couple of persons arrested there.

Did you see any stone-throwing from that direction?—I did see them coming from that direction, but I can't say was it from that place; there were two or three persons arrested there.

Did the stones come from that direction?—Certainly.

Mr. *Julian.*] That is the best way to take it.

Mr. *Waters.*] He says he can't say that they came from inside that inclosure.

Mr. *Julian.*] He says they came from that side.

Witness.] I said I saw two or three men arrested inside the railings; that there were two men arrested inside it. I saw a scuffle going on, and two men were arrested inside the railings.

Mr. *Julian.* For how long did the stone-throwing continue at that point?—I don't think the whole thing lasted more than ten minutes, if so long.

The *Coroner.*] How long did the stone-throwing last?—The whole stone-throwing and scuffle, I don't think, lasted more than 10 minutes.

Mr. *Julian.*] Were there steps taken by you or any other magistrates present to put a stop to it; were the troops ordered to move and disperse the mob?—The troops got no further orders.

And you were in command?—Yes.

And you saw the troops you had under your command all battered, as the people pleased, with stones, in the way you described?—Yes.

Did you give no directions to the unfortunate troops to put a stop to it?—I did not. The only direction I gave was to keep back the crowd, when I was placing them; and the only direction I gave them was to keep the crowd back and the way clear for the voters.

The *Coroner.*] What do you say?—The only order I gave the troops was, when Major Wombwell and I were placing them, to keep the crowd back and let the voters pass; what occurred after was instantaneous. It is but right to say that when Major Wombwell was placing them he said, "Now, men, keep steady, don't be skeddadling; keep together." One of the men then said——

Mr. *Waters* objected to the words of the man being given until the name was obtained.

Mr. *Julian.*] I submit that Mr. Greene has a perfect right to state all that took place. On what principle Mr. Waters goes, I know not, for he himself followed the same principle himself yesterday that he objects to to-day, for he insisted on giving the words the trooper said down the quay.

Mr. *Waters.*] We have better evidence in court. Major Wombwell is in court, and can depose as to what occurred there.

The *Coroner.*] I think you can give it, Mr. Greene.

Witness.] The trooper said, "Sure, Major, we can't stand to be battered with stones in this way;

way; flesh and blood can't bear it." "As we did before, already," I think he added. The Major replied, "You must be steady; we must all bear it." I think these were the words he used on that occasion.

Mr. *Julian.*] Was the stoning then going on?—Oh, dear, no; this was when he was coming on the bridge, and dividing the lancers into two parties, to keep the people back. This took place when he was putting the men on the bridge before they came over.

How soon did it commence after that?—A minute or two, but not more.

Were the troops stoned from the compact bodies of people behind them, and on either side, or were they stoned from the people at each wing?—They were; I have said so.

Mr. *Waters.*] That is a leading question. I will object to anything being put in that way.

Mr. *Julian.*] You stated that the troops got no other directions than those you gave when placing them, except to keep the place clear?—Except to keep the place clear, they got none other.

Were they to stop there and be stoned by the people?—That is not a question for me to answer.

Mr. *Waters.*] The law settles that question. That is not for you to answer.

Mr. *Julian.*] Could you say about what number of stones were flung at that time?—Indeed, I could not.

About how many?—Hundreds.

Can you say the number, if they were there in hundreds?—They were like hail.

Can you say anything about their size?—I think they were the small broken stones that are put on roads.

Were they not larger?—I cannot say. There was near a wall, just near the end of the bridge, there was a heap of broken stones; they were such as they put on roads; it was on the quay side. I saw the remainder of the heap there this morning.

Did you see any other stones laid in any other place in heaps, or scattered on the ground?—I did not.

The *Coroner.*] You say there was on that day a heap of stones near a wall, of small broken stones, and the remainder of that heap you saw there to-day, that is, on the quay side?—Yes.

Mr. *Julian.*] Can you say whether before that you observed any?—Where?

Anywhere?—Oh, in the square, I did.

Were they only laid down?—They were broken stones.

Were they loose stones?—They were.

When did you observe them?—I remember making the remark one day that I was never at an election before.

Mr. *Waters.*] I object to that.

The *Coroner.*] Were they on the street?—They were on the streets for mending them.

Mr. *Waters.*] Were you ever in a town without seeing stones on the streets?—I never was at an election yet that there were not broken stones on the streets, and that was the remark I made.

Mr. *Julian.*] What further occurred at that time at the end of the 10 minutes' stoning?—

Mr. *Waters.*] He never said there was 10 minutes' stoning. *J. B. Greene,* R.M.

Mr. *Julian.*] I asked him how long the stoning continued, and the only time he mentioned to me was 10 minutes. 10 January 1867.

Witness.] I said the whole thing occupied about 10 minutes.

Mr. *Julian.*] While the stoning was going on, what did you see?—I saw persons going down the quay, and a few lancers going after them.

About how many lancers went down the quay, from whatever point they went?—Up to the time I saw Major Wombwell gallop down after them, I did not see more than 10 or a dozen.

About how many people did you see go down the quay?—There were a good many; I could not say how many.

From what point did they run?—From the quay-side of the bridge.

The *Coroner.*] Was this after the stone throwing ceased?—Not at all; the stone-throwing was going on. I saw the lancers ride about and the people fly away from them. I saw the lancers twisting their horses round after the people, who turned and rushed down the quay. I saw eight or 10 lancers gallop after them, and I also saw Major Wombwell gallop after the lancers.

The *Coroner.*] Now, about Major Wombwell?—I saw Major Wombwell gallop after the lancers; he went very fast.

Mr. *Julian.*] Did the lancers so wheel round on the people and gallop down the quay after them, until after they were stoned?—No.

Not until after they were stoned as you describe?—No.

Mr. *Waters.*] Did he say "stoned?"

Witness.] It was "stone-throwing" I said.

Mr. *Julian.*] My question is, did the lancers so wheel round until after they were stoned?—Yes, if you call the throwing from both sides of the bridge stoning. I can only swear to seeing but one man struck. The lancers were pelted with stones, but I am not quite sure that they were struck. I know nothing about how many were wounded.

I am not asking you that; I will prove that by other evidence. Would it be true if any gentleman swore that up to the time the lancers charged the crowd, not a stone was thrown?—Certainly not, in my opinion. I have no doubt about it. I am not going to charge anyone with stating what is untrue, but it must be a mistake.

It would not be a fact?—Certainly not.

The *Coroner.*] It would not be a fact to say that no stones were thrown before the lancers charged down the quay?—Certainly not.

Mr. *Julian.*] Am I right in stating that you can't answer for what occurred down the quay?—I never was down the quay up to this moment. I never left the bridge until the whole thing was over.

Could you say whether 100 or 500, or how many of the crowd went down the quay before the lancers?—I don't think there was a hundred, but I can't say how many.

How far short of it was there?—I can't tell you.

You said something about seeing Major Wombwell struck?—I saw his finger cut.

Was it at that moment?—Yes, it was on the back of the hand; he showed it to me at that moment.

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Major Wombwell commanded the troops, and you were in command over him?—Yes, about that time.

You were not talking to any of his men?—No; I did not speak to any of them.

Is there anything further connected with that transaction at that time, that you can state; anything further that occurred at the bridge at that time?—I think not.

Did you, at that time, or at all during the proceeding in protecting the voters, hear any offensive expressions used?—I heard shouting, but I could not remember what the expressions were.

Mr. *Waters.*] Were they used towards the lancers?—They were; they were used towards the whole cavalcade, I suppose.

Mr. *Julian.*] One question, and I am done; now, Mr. Greene, so far as they came under your eye that day, what was the conduct of the lancers as regards the people?—In my opinion, as far as they came under my observation, both on that day and the previous evening, I consider that the troops acted with wonderful forbearance and temper under the treatment they got.

Had you an opportunity of seeing how they behaved and conducted themselves about that bridge, and all about there?—I consider I had full opportunity.

On each side?—On each side, especially at the quay side; my attention was more especially called to the quay side.

The *Coroner.*] You had an opportunity of seeing how the troops conducted themselves on that day, especially at the quay side?—Yes; I did not go down that side.

Cross-examined by Mr. *Waters.*

Don't you say your attention was particularly attracted to the quay side?—Yes, to the quay side, near the bridge.

And your opinion is that the troops acted with wonderful forbearance?—Yes, under the treatment they got.

How many men were stabbed?—I don't know.

Did you hear that 20 were stabbed?—I think I did.

And two killed?—

Mr. *Julian.*] I object to his being asked as to what he heard.

Mr. *Waters* objected to being interrupted in that way.

Mr. *Julian.*] I challenge Mr. Waters to give me an instance in which he interrupted me in giving such evidence. I never ask such questions.

Mr. *Waters.*] Did you hear that 20 men were stabbed?—I did.

Did you hear that two were killed?—I did; I have no doubt about the fact. What I stated was, and what I consider still is, that, from what I saw, as far as came under my observation on the two days I saw the lancers, they, under the provocation and treatment that they received, acted with great temper and forbearance; but I will not swear to anything I did not see.

Is that a deadly weapon (*pointing to a lance*)?—I would say so.

When you came in the morning you left the troops in the square?—I did.

Did the troops perform their duty then?—Yes.

Did you see anybody stabbed in the square?—I did not.

Did you see them charge the people?—I would say that they galloped about, clearing the street.

Were they using their lances on the people?—I think not; I saw them riding about among the people, and keeping them back.

The *Coroner.*] Riding about?—They were keeping the people back, and the people were pelting stones.

You can't say if they used their lances?—I think not.

Mr. *Waters.*] Do you say that deliberately; "You think not"?—I do.

Mr. *Julian.*] Have you down, Mr. Coroner, that he says that the people were pelting stones at that time?

The *Coroner.*] Do you say that the people were pelting stones in the square at that time?—I do.

Mr. *Waters.*] Do you know, as a fact, that men were stabbed that morning by these lancers?—I do not.

Did you hear it?—I did not hear it.

Did you hear that anybody was stabbed in Dr. Anthony's shop?—I never heard of the shop before.

Would you say that the lives of the lancers were in danger in the square?—Not at that time; but I think from pelting stones life is not generally in danger by it.

Were their lives in danger in the square in the morning?—So far as their lives were in danger by pelting stones, they were in danger. I say that so far as men's lives are in danger by stones being thrown at them, they were in danger.

That is not an answer?—I can give no other answer; that is all I can say.

Put down, Mr. Coroner, that he said, "No," or do you wish to withdraw it?—I will withdraw nothing; so far as men's lives are in danger, from stone throwing, the lancers were in danger.

Let that answer be taken down?—I will put it that I did not consider their lives were in danger, except so far as they were in danger by stones being thrown at them.

Mr. *Julian.*] Put it down, Mr. Coroner, in that way.

Mr. *Waters.*] You did not see any one hit?—No.

Would you say that the man that is not hit has his life in danger?—Is it if a stone is cast?

Yes?—Of course not.

Now, I ask you what you left the troops in the square for; was it to be pelted with stones?—I went to carry in the voters.

What did you leave them in the square for?—I think I had nothing to do with them then.

For what purpose were they left there?—I had nothing to do with them as soon as I brought in the voters.

You brought in the voters unscathed?—I did.

Did you see, on the road, a man struck by a trooper, on the forehead, with a lance?—I did not.

If a body was walking along the road doing nothing, nor assailing the troopers, but trying to avoid them, and a trooper struck him with the end of his lance, what would you think of that?—I think it would be very great brutality.

Would you be surprised to hear that one of the troopers that you have commended did that?—I did not see it.

And if you heard that two other lancers turned back

back and stabbed him in the other eye as he lay on the ground, what would you say to that?—I should say also that was an act of great brutality.

Would any amount of provocation received justify it?—No, certainly not.

When you were coming in, you say you had half a troop in front, half a troop in the rear, and a company of infantry alongside of the voters?—Yes.

How many men were there in these troops?—I can't tell. I believe a troop of cavalry is 40 men.

And about the infantry?—I believe there was a company of infantry.

How many of them?—I believe about 40 or 50 men.

Mr. *Julian.*] Do you know how many men composed the company?—I can't tell.

Mr. *Waters.*] How many soldiers were with you?—I believe about 150. Any of the officers will be able to tell you.

I don't know whether they will or not, so I must ask you?—

Mr. *Julian.*] I will tell you, and that will save you the trouble.

Witness.] I can't tell how many there were; but that is my impression.

Mr. *Waters.*] Were they all armed?—I take it that they were.

You said that the voters passed across the bridge?—Yes.

Were they molested in any way when they came across?—I don't think they were.

Did you and Major Wombwell come to this end of the bridge before you separated the troops?—We were barely over the bridge when we separated them.

You had crossed the bridge before you separated the troops?—Yes.

Had there been a stone thrown up to that time?—I think not; if there was, I did not see it.

The *Coroner.*] It was at this side you divided the troops?—It was.

Mr. *Waters.*] After you had arrived at the wide open space before the bridge, there were stones thrown?—I think so.

From people at each side of that space?—Yes; there were no people on the bridge.

Just at the wings of the bridge, was there not a crowd of people there?—There was.

But you did not pass between them?—No, certainly not. I did not come within the wings of the bridge when I separated the men.

Were they separated for the purpose of keeping the people back, or do you mean to say that the people were there obstructing the passage?—I think not. I think that as we were coming up the people were there; but as we came up the people opened out on each side and went back to the wings.

You say that the people opened out as the troops came up to the end of the bridge?—I think so; that is my impression.

Did the people not make any obstruction to your passing?—I don't say that. They did not stand across the street, or in any way obstruct our passage.

When you came to this side of the bridge did they obstruct you, or stand in your way there?—They did not; they offered no kind of obstruction when they were put back by the lancers. Let there be no mistake about that. I did not divide the men for the purpose of opening the way, but to keep the passage clear for the voters when passing there.

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Because there was a passage there already, he says?—But for the purpose of preventing the people from rushing in on the voters when they came up. Another reason was this, that when I was bringing in the voters on that morning and on the previous day —— Am I to state my reason?

Mr. *Julian.*] He has a right to add that in explanation.

Witness.] I did it as a precaution, in consequence of what occurred in bringing in the voters that morning and the previous evening.

Mr. *Waters.*] You know you have done quite wrong in answering that.

Witness.] I know that I am not wrong, for I have not stated it incorrectly.

Mr. *Waters.*] I mean you are legally wrong.

Mr. *Julian.*] Now tell your reason for doing so?—

Mr. *Waters.*] He wants to put it that the people behaved badly on other occasions, and he was afraid they would behave badly now.

Witness.] I will tell you my reason why I took that precaution. On that morning and on the previous evening, when the voters were coming in, under the command of Major Wombwell, under me in command, we were assaulted, especially the voters and the soldiers in the rear, by stones that were pelted. It was to protect them that I placed the troops there. On Friday evening there was pelting of stones over at the voters at Berry's Cross, when they were coming in.

Mr. *Julian.*] He wants it to appear that he took the precaution of placing the lancers there, because when he was bringing in the voters that morning and the previous evening the voters and soldiers were pelted with stones.

Witness.] There was no pelting at the troops in front on this occasion.

Mr. *Waters.*] You say you came in with the troops between the crowd on each side, and that they were not molested?—No, certainly not.

No stones were thrown up to that time?—Is it when I was passing them?

Yes, when you were dividing the troops?—No, not for a minute or two. I could not say that; while the troops were between the crowd, no stones were thrown for a minute or two.

Mr. *Julian.*] He says for a minute or two.

Witness.] It was a minute or two before the voters came up; the moment the voters came along the pelting commenced.

Mr. *Waters.*] Was there any order to keep back the crowd, and keep the passage clear?—There was.

What did the troops do?—They kept the passage clear.

Did they turn round their horses, and face the people?—I think not; they did as they always do.

If anybody swore that they used their lances freely, would it be true?—I could not say.

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Was it when the troops were put on each side that the stone-throwing commenced?—Certainly.

Did it commence before that?—No; but as the voters came up the stones were thrown.

Were you with Major Wombwell all the time?—He went away to the railing, and I went to the other scene. The next I saw of him was when I saw him gallop down the quay after the men. I was with the troops.

Then he must have said many things you did not hear?—Certainly.

How far was he from you?—As far as he is now (*pointing to the Bench from the Witness table*).

That is about 10 yards?—Yes.

The *Coroner.*] I think it is about seven or eight.

Mr. *Waters.*] Was he out of your ear-shot?—Yes, he was; because all the noise and excitement would not allow me to hear.

Well, while the troops were keeping back the crowd, did you see Major Wombwell use his sword against any one?—I did not.

Had he his sword drawn?—He had his sword drawn before that.

I presume all the lancers had all their lances with them?—I should think so.

You say the stones flew like hail?—I did.

But you saw none of the hailstones hit anybody?—I got one myself.

You were not hurt?—I got one of them; it was a dropping one; it was on the side I was hit; I was not hurt.

Were you afraid?—No, I was not; I was not a bit afraid; if one gets afraid he has no business to go there.

Did you consider your life in danger?—I did not think anything about it at all.

Therefore, the danger was so very slight that you did not consider it?—It did not enter into my consideration at all; I did not think anything about it.

Did you see the police there?—I did; I saw some.

Did you see the constabulary going in between the railings of the inclosed space?—I saw some scuffling going on, but I could not see the people that were cleared out of it by them; I saw them in it, but I could not see them cleared out.

Did you see the police at any hour in the morning?—I did.

Don't you know there was a large body of the force in town?—I don't believe there was a large body there; I believe they were not sufficient.

How many were there, do you know?—About 80.

Don't you know that a sub-inspector and three constables cleared the yard?—I don't know anything at all about it; I can't tell how many cleared it.

Can you say from three to 20?—I cannot.

You say you saw some of the people fly down the quay?—Yes.

Did you see them taking shelter in the boats?—I did not.

Were the lancers pressing them?—They were galloping.

Were they in a hostile attitude?—I can't say; I should say not. Some of the people were flying down the quay, and some were on the bridge. Those on the bridge were pelting stones while the soldiers were going down the quay. I could not say what was going on on the quay.

Mr. *Julian.*] I will ask you, Mr. Coroner, to take that down.

The *Coroner.*] I took it down.

Mr. *Waters.*] How far down the quay did you see?—About 30 yards.

That is not at the end of the railings of the bridge?—I don't know.

At the time you say you saw the people flying down there, was there any stone-throwing going on there?—It did not cease on the bridge.

But did it cease on the quay side?—It did not.

How far did you see them going on the quay?—They went out of sight. I did the best that I could on the bridge to keep matters quiet there.

How far had they gone when Major Wombwell followed them?—I think it is about 30 yards from it.

Do you mean to say that stone-throwing was going on then?—Yes. There is another thing which I forgot altogether, but which impresses it on my mind; I saw pelting going on from a heap of stones; that was where there were some men and boys pelting; and there was a cart there also. One of the lancers was riding over to them, but I stopped him, as there was a lot of women there; and I went up to him and stopped him lest the women should be injured; I went up to him and said, "Go away, go away; let them alone."

Had you then to ride up and stop him?—I did.

Mr. *Julian.*] He says that they were at a heap of stones, pelting.

Witness.] Yes; and there was a cart near the wall, and a heap of stones was there; there were women, men and boys there, and it was evident that they were pelting. The lancer galloped forward, and the boys were pelting; and I was afraid that, in riding over, he might hurt the women, and I went over and stopped him. There was a cart over at the court-house wall, and there were some women and men in it, and there were some boys pelting. I was afraid that the lancer might hurt them, and I went over and ordered him off; he was galloping on, and I stopped him.

Mr. *Waters.*] Did you see any one injured there?—No.

None at all?—No.

None whatever?—No; he came away immediately when I told him; I did not see a scratch on any one, except the cut Major Wombwell got.

Have you had experience at elections?—I have.

Was there anything in the demeanor of the people there that would justify the use of the lance?—I told you what I saw occurring, and you must only draw your own conclusions.

Did you think that a deadly weapon like the lance should be used?—I would do almost anything before I would order it.

Was there anything that you, as a man of experience, witnessed that would excite you to use a deadly weapon?—No.

Mr. *Julian.*] Considering the number of stones that were flung?

Mr. *Waters.*] I will insist on your sitting down, and not interrupting.

Mr. *Julian.*] Do you mean as regards himself, or the soldiers?

Mr. *Waters.*] Do you swear that it was necessary to use a deadly weapon on the people?—No;

No; as a resident magistrate, I would not have ordered them to charge, and I would not have charged; but if I had a deadly weapon in my hand and was pelted with stones, I don't know what I would have done; human nature is human nature, and I can't tell what I would have done. A soldier is flesh and blood like any other man, and I do not see why he should be pelted. I don't think, however, there was anything occurred at the bridge to justify me to order the troops to fire, or to use a deadly weapon. I don't think there was anything about there to justify me in ordering the lancers to lower their lances and charge with them. I don't think that men, because they are soldiers, and happen to be placed on horses, and have a deadly weapon in their hands, can stand to be pelted with stones, or that more is to be expected from them than from any other human being.

Would you extend your opinion to what occurred in the square in the morning?—I will go even further for you; I consider that nothing would justify me in ordering the troops to lower their lances, or in ordering them to fire; I saw nothing to justify me in doing so, neither here, nor during the election.

Mr. *Julian.*] I see; a fine fellow of a magistrate, who takes the troops on to danger, and takes them into trouble, and then leaves them there.

Mr. *Waters.*] Now, Mr. Julian, this is too bad.

Witness.] I saw great pelting going on, but not sufficient to take such extreme measures. I saw the lancers very badly treated and very badly used, but not so badly as to authorise me to take such very extreme measures.

Mr. *Julian.*] Knowing what it was, how much more were they to suffer before you would take active measures?—

Mr. *Waters.*] You did not see O'Brien killed?—No.

Did I understand you to say that you must have left the place before that occurred?—I don't know; the first person I heard his death from was Sir Nugent Humble.

Did you hear the name of the person who killed Captain Keily?—No.

From any one?—Never.

Have you been at elections with the 12th Lancers before?—No.

Never before?—No.

Re-examined by Mr. *Julian.*

Troops ought to have a great love for elections, I believe?—I don't think they should, for they get a great deal of trouble by them.

Not much indeed; not much honour to be gained, and a great deal of pelting; who takes them; is it not the resident magistrate; are they not under his command?—Yes.

They are obliged to come at the beck of the civil magistrate?—Yes.

He takes all the trouble on himself?—Yes.

If he gives an order to fire or charge, he has the responsibility of it?—Yes.

And whatever odium may be attached to the consequences?—Yes, he ought to be.

He allows them to be pelted without taking any part in it himself?—No, not at all; if he has a honest or proper feeling, he will bear a great deal before he gives an order for the troops to fire or charge. *J. B. Greene,* R.M.

How long would you hesitate yourself before doing so, if you would be pelted?—I don't know. 10 January 1867.

Now, do you swear that during the whole election there was nothing to justify the use of a deadly weapon?—There was nothing that would justify me in ordering the troops to fire.

Have you not sworn that there was nothing to justify the use of a deadly weapon on that day; that there was nothing occurred that would justify the troops in resorting to a deadly weapon?—I don't know of anything that occurred that would justify me, as a resident magistrate, to order the troops to fire or use their lances against the people.

There was nothing occurred that day to the troops in your presence that would justify the use of a deadly weapon against them?—There was nothing occurred that would justify me in ordering the lancers to charge.

I ask you the question, whether or not there was anything occurred to the troops on that day, in your presence, that would justify them in using a deadly weapon?—That is not a question for me to answer; it is a question of law, and I decline to answer it.

The *Coroner.*] You say you decline to answer the question, as to whether there was anything done to the troops that would justify them in using a deadly weapon, that being a question of law?—Yes.

Mr. *Julian.*] I ask you, is it not a question of law that you are bound to answer, as a resident magistrate?—No.

You stated, and it is in evidence, that you saw stones flying by hundreds at the troops?—I did.

In your opinion, should it go on to thousands, or to what extent should it go on, before they resorted to a deadly weapon?—When that question arises I will answer it; it is a question of law.

And you have stated that, as far as things went there, you did not think you would be justified?—It would be giving an abstract opinion, and that I will not give.

Would you let them go on to see their heads opened while your own was safe?—That is another question I will not answer.

If the resident magistrate orders the troops to charge or fire, he is not obliged to go into it himself?—I don't know. I never saw anything of the kind at all; he would be of little use in a charge.

You don't know whether you are bound to go into danger yourself, although you are bound to send the troops there?—I think not.

Mr. *Waters.*] It is ruled in law that he is not. What are the soldiers paid for but to go into danger. The magistrate is not to endanger his life.

Mr. *Julian.*] The witness declines to say how far the troops were to go before they should have resort to their deadly weapons; have you that down, Mr. Coroner?

Mr. *Waters* thought the witness was not bound to give an opinion on the subject; that was to be considered by the jury.

Mr. *Julian.*] Were they bound to submit quietly to what you told us took place?—I don't think they were; that is my own impression as an individual; I don't think it is to be expected

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from them. I don't think it is right for men to stand to be battered and bruised as they were because they are soldiers. I don't think it is to be expected from soldiers sitting on their horses, that they should be battered and bruised with stones without acting to some extent. I separate that opinion altogether from the right of the magistrate to order the use of a deadly weapon, such as firearms or a lance.

I ask you were they bound to submit to the usage they got that day?—

Mr. *Waters* objected to the question.

Mr. *Julian.*] I press the question. I ask Mr. Greene, and I press him for an answer.

Witness.] I can give no answer to it. I think they were very badly used and very badly treated.

What were they to do?—To keep back and keep down the crowd, as they did.

Were they to submit to be stoned?—No. I don't think the soldiers did anything unjustifiable as far as came under my observation that day. I think they acted with great moderation. I don't think they should submit to be stoned. I did not see them do anything unjustifiable, as far as came under my observation.

Do you think there is anything in a troop of lancers calculated to exasperate loyal people there may be quietly in the square?—No.

And therefore it was you left them there?—I thought it quite necessary to have them in the square.

Let me ask you, with respect to Connery; were you in front or rear of the voters coming in?—I was in the rear of them coming in.

Did any such thing occur as Connery described occurring, of a man being struck with a lance?—I did not see anyone touch anybody.

Did the lancers come in peaceably and quietly?—Yes, as far as I saw, they offended no one.

The *Coroner.*] You say, "I did not see the lancers injure any one coming into town that day"?—Yes.

Mr. *Julian.*] You used the word "brutality," yourself, Mr. Greene?—It was, of course, put to me in that way.

You would not consider such conduct justifiable?—No.

Perhaps the result of the brutality was the fellow going on his knees and elbows; lying on the road side dead; being called; getting up and brushing his coat and going into town; and doing that after much brutality?—You don't want my answer to that question; I don't know anything at all about that.

The depositions of the Witness were then read, and signed in the usual manner.

SAMUEL EDWARD MAGUIRE, on being sworn, was examined by Mr. *Julian*, and deposed:

S. E. Maguire.

Mr. *Julian.*] ARE you stationed in the county of Waterford?—I am.

Do you recollect the 29th December, the day of polling in Dungarvan for the election?—I do.

What time did you come to town on that day?—I came to town about one o'clock; I came with the escort that brought in the Comera, Wodehouse, and Cloneagh voters.

Was Mr. Greene and Major Wombwell with them?—Yes; they came out as an additional escort.

I forgot to ask you about how many voters did they bring in?—I should say from 100 to 140 or 150.

The *Coroner.*] You met Mr. Greene and Major Wombwell?—When we were about a mile from town, they came out with an additional force to bring us in.

Mr. *Julian.*] And you came in with them to town?—Yes, we did.

What occurred as you came to the town end of the bridge; describe it as well as you can?—I was immediately after Mr. Greene, and we rode on together; he is an old friend; I was immediately in the rear of Mr. Greene and his party.

Did you observe from the off-side of the bridge any number of people collected at this side of it?—There was a number of people collected on both sides of the bridge. There was a number of people on the bridge, and they were cleared off by the troops; they moved away from and were cleared off by the troops.

The *Coroner.*] As you came towards the bridge?—As we came on the troops approached, occupied the space of the bridge, and cleared the people off it.

Mr. *Julian.*] Were these people in a body when you observed them first?—They were.

Did you say that as you approached the people, they moved on?—As the troops approached them, they moved on in the direction of the town.

Mr. *Waters.*] His first answer was, "out of the way of the troops."

Mr. *Julian.*] What was done by the lancers when they got to the town end of the bridge, the advanced guard, when they got to the town end of the bridge; you have stated that they had cleared the people off the two wings of the bridge?—They did.

Did the lancers stay at the end of the bridge at either side?—We moved on, and they cleared the space for the voters to pass; and the people fell back on either side.

The *Coroner.*] At each side of the bridge?—Yes.

Mr. *Julian.*] Was the falling back of the *populus* to either side in consequence of the military moving that way?—Oh, yes, it was.

Did anything occur then; was anything done by the military?—Yes, there was.

How quickly after their arrival at the town-end of the bridge and the clearing away of the people, was anything done?—Almost immediately.

What was done?—Stone-throwing.

By whom?—By the *populus.*

Almost immediately after the clearing away of the people, stones were thrown?—They had reached the gate or railings of one side when a volley of stones was thrown.

Where was that?—At the Shandon side, between a heap of stones and the gate of the timber-yard. At the gate near the timber-yard I think I saw stones thrown; I did not see any thrown from any other direction.

Mr. *Waters.*] He said that the soldiers had reached the place between the heap of stones and the gate of the timber-yard before any stones were thrown?—Yes.

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Mr. *Julian.*] Can you say, one way or the other, as to whether stones were thrown from the quay side?—I cannot say, one way or the other.

What side were you on?—On the Shandon side, and I did not see any stones thrown from the quay side.

Can you say whether there were or not?—I cannot. I cannot say what I did not see; I did not see any stones coming from that side.

Were there mounted military between you and the quay side?—I cannot answer that question, for I was in the rear of Mr. Greene eight or ten yards; I was between the original advance and auxiliary guard that came out. The additional escort under Major Wombwell came out to escort the voters in, and there was an advance guard escort beside that. I was just in the interval between them.

Had the lancers done anything offensive, or assaulted the crowd or mob of people there, before the stones were thrown at them?—They had not.

Before the stones were flung?—They had not.

Can you say about how many stones were flung at them, a rough guess?—A great many.

Did you hear Mr. Greene's evidence?—I think he is pretty accurate. I heard his evidence, and I think he is pretty accurate.

Was there a hundred thrown?—There were; but I think Mr. Greene was pretty accurate. They were flung too thick to be pleasant, too thick to count them. I did not dwell on that subject; I was rather consulting my own safety, and looking at from where the next shot would come.

Were any of the stones you saw larger than the ordinary paving stones?—I saw one huge stone; it must have taken a perfect Hercules to hurl such a stone. They were chiefly macadamised stones I saw; but I saw one huge stone that it must have taken a perfect Hercules to hurl.

The *Coroner.*] Have you said they were macadamised stones?—Yes, generally.

Mr. *Julian.*] And he saw one huge stone that would require a very strong man to hurl.

Mr. *Waters.*] He said it would take a perfect Hercules to hurl such a stone.

Witness.] The stone was hurled most adroitly, in a manner that gave it a rotatory motion.

Mr. *Julian.*] Do you know did it strike any one?—I cannot say, but I suppose it did not.

Can you say how many people were assembled at that end of the bridge, at the space inside the railings, at all?—I am not clever at estimating numbers; to what side do you allude?

To both sides; to about the open space there; how many people, men, women, and boys, do you say were assembled there?—I heard Mr. Greene say he thought a thousand. I do not agree with him; I think about seven or eight hundred; I am not a good judge of such matters.

The *Coroner.*] Do you include in that number those inside the railings?—I think I should.

Mr. *Julian.*] Now they say that the ordinary age of stones for hurling is two year old, or three year old, but I suppose the one you saw was ten years old?—The age of Methusalem, I think.

How many were inside the railings on that occasion?—I think about 50 or 60; they were scattered about that space.

Were stones thrown from inside the railing?—Yes, they were.

By these people?—Yes.

These 50 or 60?—Yes. I saw the people there pick them up, and they seemed to be engaged in throwing stones.

For how long was the stone-throwing going on?—Five or six minutes; probably not more than five minutes.

Whom were the stones thrown at?—They were thrown in the direction of the military, or lancers. I did not see anything that occurred behind; I did not look behind.

At the time you speak of, the stone-throwing that you have deposed to, did any of the lancers leave the open space, and go down to the quay side?—I could not tell. I did not see anything on the quay side at all.

Were the lancers all in the same position still, as they were coming in?—They were advancing by way of the new bank, and when the people separated I dashed ahead; I wanted to get out of the way of the stone-throwing.

And did you leave the stone-throwing going on?—I can't say what took place after I left. I wanted to get away from the stone-throwing. I rode away as fast as I could towards town.

Would it be true if anybody stated that the military charged before the stones were thrown?—Oh, no.

Up to the time you left that spot, and rode into town, did you see any of the lancers molest or attack anybody?—I saw a lancer make a prod at some one on the Shandon side, with the butt-end of his lance.

The *Coroner.*] Was he a man or a boy?—A man, I think.

Mr. *Julian.*] Was that before the stone-throwing commenced, or while it was going on?—While it was going on.

Did you see anything else done by the lancers before you went away?—I did not.

You saw no more of the transactions of that day?—I did not.

On that occasion, and within your observation, how did the lancers conduct themselves?—With remarkable forbearance.

Is that with reference to the usage they got?—Yes.

Cross-examined by Mr. *Waters.*

Do you think there was remarkable forbearance in riding against an innocent man, who at the time was not offending, and in striking him on the head with a lance?—I did not see that.

But if it was so?—I would consider it an outrageous thing, under these circumstances; but I did not see it.

Do you think it would be an outrageous thing to make a dart of a lance at a man's neck, and, missing it, to stab him in the breast?—It would be an outrageous thing.

Was it, then, fair for us to say that the soldier who did that must be a disgrace to his flag?—He must be.

You said that the falling back of the people was the result of the military clearing the way?—Yes.

About how long after did they fall back at the other side of the bridge?—They fell off the bridge altogether.

But when they did come out on the bridge, in the

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the large open space?—The people had not cleared away from the end of the bridge to that gate.

The soldiers came down nearly as far as that gate before they pushed the people back?—I beg your pardon; that is not the case.

At what point, then, did they begin to push the people back?—From the other side of the bridge.

Then you and Mr. Greene don't seem to be agreed, with reference to that point?—Oh, we do generally.

Will you say that the people moved out of the way of the troops, as they approached; did you see the movement performed when they turned?—I heard Mr. Greene give his evidence, and I don't think he clearly conveyed what occurred, or described it with accuracy. The troops spread out, occupied the space, and cleared the people off the bridge.

Where did that commence?—From the other side of the bridge.

Was he, then, incorrect in his statement?—I don't say he was, but I think he did not state it properly. I was with Mr. Greene.

When you got to the bridge, were the people moved back to the other side?—I think they were.

Was that done by the soldiers riding up their horses against the people?—I don't think so; but the horses were capering about, and one horse slipped.

If you were standing outside there, and a horseman pranced his horse against you, would you consider that an assault?—There were people left standing against the railing; but if I, on horseback, compelled you to retire, for personal safety, then I should consider I should clear you out of the way.

Would you consider it an assault?—I should not; it would depend on the way it was done.

Suppose I did it in an angry or menacing manner, would you consider it an assault or not?—I should not. This was not done in that way.

But if I had a lance in my hand, and commenced striking it across your face or body, what would you think of it?—I did not see that; I cannot give opinions on what I did not see.

Do you think the soldiers were very forbearing: did you see them when they were excited?—I did not see them excited.

Did you see them at all excited?—No, I did not.

What time was that?—It was just going over the bridge there.

What time was that?—About one o'clock.

Was that after the beer was distributed?—I don't know anything about that.

Do you know that they got any refreshment?—I don't know anything at all about it.

You did not see O'Brien knocked down?—No, I did not.

You only saw one lance used?—That was all I saw.

Mr. Greene was pretty accurate in saying that the stones were as thick as hail?—They were too thick to be pleasant.

Were they as thick as hail?—That depends on the space on which the hail falls.

The depositions of the Witness were read and signed, and the Witness was bound over in the usual manner.

Mr. *Waters.*] I think I would ask you to take down that some of the horses were prancing in front of the people.

Witness.] There was more than one on the Shandon side; one horse slipped; one horse was down.

Mr. *Julian.*] The stones brought him down; I will give you his rider.

PATRICK DALY, on being sworn, was Examined by Mr. *Julian*:

P. Daly.

WHERE do you reside?—In Cloncoscoran.

Are you a Labouring Man?—Yes.

Were you in Dungarvan on the day of the election?—I was.

The day of the polling?—Yes.

That is, Saturday?—Yes.

What hour that day did you come into town?—I came in early in the morning, about two or three o'clock; I left home before breakfast.

In the morning?—Yes.

What brought you in so early as that?—There were voters coming in from Sir Nugent Humble's place, and I came in with them.

And you selected that safe hour of the morning to come in?—I did.

You say you came in with voters from Sir Nugent Humble's, about two or three in the morning?—I did.

Were you in the square about nine o'clock?—I was.

Did you see any fun there?—I saw the lancers running about the street.

Did you see anything else about there?—I saw them galloping about.

Did you see anything in the air?—I did not.

Nobody throwing up stones in the air?—No.

Do you recollect between one and two o'clock on that day?—I do.

Where were you at one or two o'clock on that day?—I was down on the quay.

Did you know the deceased, O'Brien?—I would not know him; but I was making down from the lancers, and I saw a man running from them and throwing a stone; I then, as I was running, and turning into the linny, saw him fall; I don't know whether it was the lance or the horse knocked him down.

The *Coroner.*] You were down on the quay between one and two o'clock?—Yes, I was running from the bridge.

Mr. *Julian.*] Were you running from where the lancers were?—I was.

Were you as far as the bridge?—I was.

On the quay?—I was.

Were you there at the time they came down?—I was; I was running down before them.

What did you see when you ran down?—When I was running away I saw the man that threw the stone. I could not say at whom he threw it, for I had my back to the person at whom he threw it.

Who were in the direction of the stone where he threw it?—The lancers and the people that were coming down.

The *Coroner.*] In what direction did he throw the stone?—He threw it up towards the bridge, but it could not go half way to the bridge, and the lancers were coming down.

Mr. *Julian.*] Well, after he threw the stone what did he do?—He made his way down, a little

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little down before me; and then I was turning into the linny and I saw the dragoon. I was close under the wall, and he was outside me. I saw the lancer, he was winding his lance. I don't know whether it was the lance or the horse knocked the man down, but he fell.

The *Coroner.*] After throwing the stone he made his way down before you?—He did.

Mr. *Julian.*] But you can't say whether either struck him?—

Mr. *Waters.*] Let the answer go down first. It is most objectionable to make these remarks while the Coroner is writing.

Mr. *Julian.*] Would you allow the Coroner to write?

The *Coroner.*] You can't say whether it was the lance or the horse struck him, but he fell?—Yes.

Mr. *Julian.*] But he might not be struck by either.

Mr. *Waters.*] You must put it in this way, and caused the man to fall.

Mr. *Julian.*] But you must ascertain if either the one or the other did it. If he saw it, and he must have seen it done, can he say if either knocked the man down; can you say if either the lance or the horse struck him?—I could not; but just I saw him fall. I was turning at the time, and the lance I saw winding.

Whereabouts did he fall?—There is a way for a car going in between the linny and the wall; well, he fell down close to the linny, outside the little wall.

How far from the wall?—He was close to it, but I could not say how far from the linny.

Did he lie there after falling?—He was stretched there.

Did he remain there any time, or was he removed, or did he get up himself?—He did not, he stopped there; he stopped there until the lancers came up again. I saw Mr. Mealy take him up after that.

Was it the same man that Mealy took up; did you see that he remained there until the lancers returned up again?—He did.

The *Coroner.*] You saw Mealy going and taking him up?—I saw Mealy then going to take him up, that is all I know.

Mr. *Julian.*] Did you see any ship captain or anybody from a vessel come up?—I did not; I walked away at that very minute; I walked away home.

Did you see any other stones thrown by the deceased, or with him?—I did not at that time. Where I was, there were a couple thrown out of the linny; I saw there were two or three thrown out of it.

Was that before or after he fell?—It was after he fell.

That is not exactly what I asked you; did you see any other stones thrown by the deceased man?—I did not.

Did you see any other man with him?—I did not.

Before he threw the stone did you see him stoop for it?—I did not.

How long elapsed after he threw the stone until he tumbled?—I could not say.

Was there any time?—While we were going down from the coalyard on the quay; I don't know, but it took me two minutes. It was as long as running from the coalyard to the corner of the linny.

There was some space of time that had elapsed while you were running from the coal yard to the corner of the linny; were you running?—I was; I was running at my best.

Was he running?—He was; we were both running.

The *Coroner.*] Was it falling down or knocked down you saw him?—I could not tell.

Mr. *Julian.*] I asked a question as to what time elapsed between his throwing the stone and his tumbling on the ground, and he said as long as he took to run from the coalyard to the linny?—Yes.

Did you see any stone-throwing from any other place?—They could not pick them up unknown to me.

Were there any of you in the linny?—It was full up.

After the lancers returned up again by the quay, did you see anythng done at the linny; did you stop there?—I stopped there until the lancer came up, and he was beckoning his lance at them. He said, "Every d——d one of you must come out of that;" I went out then.

Was there only one lancer there?—I think there were two.

The *Coroner.*] Will I take down two?—Oh, you can.

Mr. *Julian.*] Was it one lancer that used these words?—Yes; I did not hear but one use them.

The *Coroner.*] "Every d——d one of you must come out of that"?—Yes.

How do you say he had his lance at the time?—He had it over this way, pointed at them when he was saying the words; but he was not striking any one with it.

Mr. *Julian.*] Maybe you could not tell us whom the two or three stones were flung by?—I could not; they were flung at the lancers.

Did you see boats at the opposite side of the quay?—I did not see any but one, the "Johanna," that was the only one I saw there.

What did you see the people in her doing?—I did not see any one in her doing anything at all.

I asked you before, if the lancers came up as far as the linny; did any one of the lancers pass by the linny to the bridge?—I don't know.

Did you see any one of the crowd come out of the linny when the lancers' backs were turned?—I could not tell that.

Mr. *Julian.*] That is all I have to ask you.

Cross-examined by Mr. *Waters.*

Can you say what made an innocent boy like you run away from the lancers? Were you throwing stones?—I was not.

Were the lancers not very quiet?—Begorrah, they did not appear to be very quiet.

Did they not act with remarkable forbearance?—I don't know.

Did they seem to be very quiet?—Not very quiet.

Were they not the most furious people that you ever saw?—I could not tell what that is.

On your oath, do you not know what a furious bull is?—I now know what it is.

Were the lancers furious, now?—I know they were, or I would not run from them.

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Were they not looking for people to stick?—I could not tell you that; I would not like to say that.

When the lancer came to O'Brien he was waving his lance back and forward?—He was.

Where was it you saw O'Brien first?—Opposite the "Johanna."

It was there you saw him throw the stone?—It was.

Then you ran down, both of you?—Yes.

And you got for shelter to the linny?—I did.

Then he fell?—Yes.

He was a little before you?—He was. When I saw him first, he was at the other side of the channel, and he ran down the quay. He had not come to the coalyard; I was closer to the wall than he was.

How did you keep your hands off the blackguard soldiers?—I did not go near them.

What are you?—A labourer.

In whose employment are you?—In Sir Nugent Humble's.

Did you take up a stone against the soldiers?—I never took them up to any one.

Or against a shedoagh?—I did not.

What did you get for breakfast that morning?—I did not get anything for it.

Did you go home dry and fasting?—I did not.

What time did you get home?—About three, or before it.

With a fine belly-full of porter?—No.

With what, then?—I only took a quart of porter, and half a glass out of my own pocket.

What did you get for breakfast?—I could have got porter and bread at Buckley's, if I took it.

Where did you get it?—At Denny M'Grath's.

Why did you refuse it at Buckley's?—I did not much care for it, because I got my breakfast before I left home.

What did you get at M'Grath's?—I got bread, porter, and cheese.

Did you know many people there?—There were some I knew.

Were they some of the De La Poer's voters?—They were—oh, no.

Were they Talbot's voters?—They were.

Was the house full?—I can't tell that they were voters; I could not tell you the names of any of them but Flavin.

What were they doing there?—They were eating their breakfast.

What was that?—I told you before.

Don't get cross with me; I will not ask you much more?—I am not, but you are going to fight here with me.

I hold you a gallon of porter you did not come dry to Dungarvan that morning?—I hold you a gallon of porter I did.

What were you doing all that day in town?—I was doing nothing, but I was in Buckley's the most of the day, and I walked down to Denny M'Grath's after, as well.

But where did you commence the morning?—It was in Sir Nugent's yard I was, and the voters were there.

Could you have witnessed it, and not being out when there was stone-throwing?—I was not.

Was O'Brien the only man that you swear you saw throw a stone?—That is the only man; I saw two or three stones thrown out of the linny.

Did you see the soldiers in the linny?—I did.

Did you see them prodding the people?—I did not; but I saw them running about and winding the lances, and the people running away from them.

Were the lancers trying to get at them?—I don't know.

What do you think?—I don't think anything.

You say you saw Mealy take the deceased up?—I did.

And left him when the lancers returned?—No.

Did you see Mealy hold him out before the lancer, for fear he might stick himself?—No, I walked away then.

Did you see the lancer coming back again when he knocked him down?—I could not say.

Was it the same man?—I can't say.

Did you see the man that murdered Keily?—I could not tell anything to you, except of what passed before the linny.

Did you know O'Brien?—I did not.

Do you know where he was from?—No.

Did you know him at all?—No, I never saw him that I remember.

Did you see more than three or four stones thrown?—I did not.

Did you stick yourself in a corner?—I did.

Did the lancers go into the linny more than once?—I could not say; I was there but a short time, not over a minute, when the lancer came up, saying, "Every d——d one of them should come out of that." I then walked out.

Did you hear a woman screeching there?—I can't say.

He might stick them all with the lance for all you knew?—He might for all I know.

Do you know any one that got a prod of a lance that day?—I do.

Mr. *Julian.*] Unless you saw it done, don't state it.

Mr. *Waters.*] Tell me his name.

Mr. *Julian.*] Don't give it, unless you saw it done.

Witness.] I did not see it done.

Mr. *Waters.*] You saw since a man that was hurt that day?—I do not say I saw him hurt that day; I did not see him prodded.

What is his name?—

Mr. *Julian* objected to have the name given.

Mr. *Waters.*] Whom did you tell this to?—I don't know.

Did you tell it to anyone?—I told it to some one.

Who brought you here?—A policeman summoned me.

Who told you to come?—Sir Nugent told me to come.

Did he ask you what you could swear to?—Oh, no.

Did you tell him?—No.

Is your evidence now, that he came to you and told you to give your evidence, knowing nothing about it?—No.

Do you mean to say that he told you to come here without knowing what you knew; whom did you tell it to?—To some of the men.

Who are they?—I could not tell.

Is he the steward?—I told some women that were there, and to some of the men. I told it first when I went home.

You could not make a guess as to how Sir Nugent found it out?—I don't know.

Is that as true as everything else you told me?—It is.

Where do you say the dead man threw the stone from?—Just from the right of the coalyard.

Then that is from the gate of the coalyard?—Yes; he stood about the middle of the quay, nearly opposite the coalyard when he threw the stone.

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The Court then adjourned until 10 o'clock the following morning.

Sixth Day.

Dungarvan, Friday, 11th January 1867.

Inquest on William O'Brien.

The Inquiry was resumed this morning.

Alexander Edward Steward Heard, being sworn, was Examined by Mr. *Julian*, and deposed:

A. E. S. Heard.
11 January 1867.

You are a Sub-Inspector of Constabulary?—Yes.

Of where?—Tulla, county Clare.

Were you on duty in the recent election in Dungarvan, in the town?—Yes, opposite the court-house.

For what portion of the day; for how long were you there?—Well, I was there for the greater portion of the day; from about 9 or 10 o'clock.

Were you there until after the closing?—I was, until the poll closed; of course I left it now and then on duty.

Were you the officer principally on duty at that spot?—No, I was not; I was one of the officers; Mr. Channer was there, and Mr. M'Dermott was there.

Do you recollect in or about the time that the last batch of voters were brought in across the bridge, between one and two o'clock?—I do not know whether they were the last or not, but I recollect a batch of voters coming across the bridge about one or two o'clock.

Did you see then any crowd assembled at the bridge?—I did not remark them, but I saw a crowd before the soldiers, which were drawn up about the Court-house.

Did you, before the voters came in, observe any people?—At the time the voters were coming in, the soldiers who were above the military ran up above the bridge, and I ran up to tell Mr. Channer, my superior officer.

There was a large crowd or number of persons there when the cavalry was coming down?—There was, decidedly.

Did you see the iron railing beside the bank, around the timber-yard?—Yes; it is at one side of the bank.

Can you form any idea of the numbers that may have been there in all?—I don't think I could.

Were there hundreds?—Yes, there were hundreds within and without the railing.

Did you see anything done to the cavalry, or by the cavalry, after they came across the bridge; state what you saw; tell what you saw; what was the first thing that the military did as they came up?—I should explain that I was absent at the time that they came across, because I went back to tell Mr. Channer, and when I came back I saw the military at the end of the bridge, and I saw the people throwing stones at them from inside the railings; I was absent about a minute, to see Mr. Channer.

You say that the military were coming across the bridge, and the people were making towards the bridge?—Yes.

Then you went for Mr. Channer?—Yes.

And spoke to Mr. Channer?—No, I did not speak to him, for I did not see him.

Well, looking for him?—Yes.

The *Coroner.*] You say that as the military crossed the bridge you saw the people opposite the court-house, and above the bridge, running towards the bridge?—Yes.

Mr. *Julian.*] The witness went to look for Mr. Channer, the sub-inspector. (*To the Witness.*) When you came back tell what you saw?—I saw the lancers at the end of the bridge, and I saw stones thrown amongst them from within the railing or the inclosure.

Were they thrown amongst them or at them?—I suppose at them.

From where did you see the stones that were thrown?—From inside the railings, the inclosure.

The *Coroner.*] You state that they were thrown at the military?—They were thrown in amongst the military, and I suppose at them, but I cannot tell the minds of the people who threw them.

Mr. *Julian.*] Did you thereupon take any motion yourself?—I did. I went over to the men that were drawn up in front of the court-house, and marched them to where the stones were thrown from.

Is it a fact that, at that time, that the police were marching in two's up and down the court-house?—No, I was not marching them; they could not do it; they were drawn up in line on the flagway in front of the court-house.

You took them to the front of the inclosure?—I did.

What did you do then?—I cleared it.

Do you recollect doing that with three men?—No, I should say it was 23 men.

A. E. S. Heard.

11 January 1867.

How did you get in?—Through the broken paling; we got in one by one.

Could you say about how many people were inside?—I should say about 40 people; but there might be more or less.

The *Coroner.*] About 40?—Forty, more or less.

Mr. *Julian.*] What were they doing when you got in there?—They were throwing stones.

Did you see them stooping for them?—I saw them throwing them, but I could not say that I saw them stooping for them.

The *Coroner.*] Where were they throwing the stones to?—From the railing out into the road.

Mr. *Julian.*] Who was in the direction they were throwing them?—The lancers were; there might have been voters there too, but I could not say whether there was or not.

At that time, before you got in to put a stop to that, did you see the lancers ill-use anybody, or trampling on old women, or doing anything of that sort?—I did not.

Or at all, as you looked in the direction, did you see them doing anything as you looked at them there?—No; I saw a man prodding in through the railing at a man who was throwing stones out.

Was that with the butt or the point of his lance?—I could not say.

At a man who was throwing the stones?—

Mr. *Waters.*] He did not say that.

Witness.] I could not say that before; they were all throwing from the inside, and I could not see whether the man was throwing the stones at that time or not; they were all throwing stones.

The *Coroner.*] The answer is that you did not see them doing anything, except the one man who was prodded at by a soldier with his lance at the time you went into the inclosure.

Mr. *Julian.*] Was the man who was prodded at, amongst those who were throwing the stones?—Oh, yes, certainly.

Did you proceed to clear the place?—Yes.

Did you meet with any resistance; was there anything done to yourself, or to the men, after you got in by any of the party?—No, not after we got in; they ran away then.

Did they do anything to you in running away?—They threw stones back at us, after they got out of the railings. I must explain: we hunted them down, towards the off-end, towards where there was a meadow. They went across to the meadow, and when they got off the road into this meadow, they threw stones from this meadow. It was as we were going after them, and then they ran off, after they threw the stones.

The *Coroner.*] You proceeded to clear the place, and they threw the stones at you, as they were going off?—

Mr. *Julian.*] You succeeded in clearing the place?—They ran before us as fast as possible.

Will you form any idea of the quantity of stones thrown at that end of the bridge; had you a fair look of it when the lancers were coming across to it there?—I could not; there was a great number of stones thrown; they came all at once; there was a great number, but I could not tell how many.

Did you see them as they came across, or after they had come across?—Well, they were at that end of the bridge.

While they were at the end of the bridge?—Yes; that is the time I am alluding to.

While they were coming across the bridge the stones were thrown at them in great numbers, but you cannot say the number?—Yes.

Did you see any loose stones, in heaps, about there, Mr. Heard?—Inside the railing?

Inside or out?—I did not see any heaps of stones at that time, but I saw them afterwards; I saw them scattered about the road, a good many of them.

Were these stones that you saw there, did they appear to have been thrown there, or did they appear to have been laid down there by the contractors?—

Mr. *Waters.*] How can he tell that?

Mr. *Julian.*] Were they single stones, lying about?—Yes, they were.

Mr. *Waters.*] The idea of asking a witness whether stones were lying about, as if thrown there.

Mr. *Julian.*] I will get the answer. (*To the Witness.*) Were the stones scattered about all over the ground?—They were scattered.

A great number?—Yes, a good number.

I believe that you did not go at all down the quay?—No; I knew nothing at all about the quay.

Did you even see the departure of the lancers for the quay?—No, I think not; I took no notice of them.

You were at the railing side, and you know nothing more about it?—No.

Cross-examined by Mr. *Waters.*

And, in point of fact, you did not know anything about what took place about which this inquiry is held; you were not down the quay?—No.

You are not long in the force?—Over four years.

Is this the bloodiest engagement you ever were in?—I did not see any engagement.

How many volleys did you fire?—None.

How many men did you kill?—I did not kill any.

And you charged boldly into the place where the stones were coming from?—I went in at once; we got in one by one, by a rail that had been taken out.

So they went into this terrible place one by one, you and your men?—Yes.

Did you form up?—No, I ordered them to form, but they went in.

Did they clear the place at once?—Yes, they ran on and cleared them off. We cleared the place off at once.

Would you undertake to clear away the other side as vigorously?—I do not know what occurred at the other side.

You approached the only danger?—I approached the only danger I saw.

At first you went in, the men went in one by one, and then when you had cleared the place they formed up; he says he went into the only place where he saw any danger at the time; now I think you said that when you saw the voters in a mass coming across, you went up to talk to Mr. Channer, and you did not see what the military did when they arrived first?—I did not; I did not see it.

When

A. E. S. Heard.

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When you came back were the military divided into two bodies?—I do not know.

When you first saw the stones flung, were the lancers at that time riding up against the people?—They were riding up this way, but I did not take notice of any people on the road at the time.

But they may have driven the people back at the time?—They may.

And they may have acted with violence towards the people while you were away; that might have provoked the stone throwing?—Oh! I don't know.

You don't know anything of what occurred at the other side?—No.

Well, I have no other question to ask you, and you might have been left in Clare, for all the good you have done here.

Mr. *Julian.*] So he would, only for Mr. Redmond's statement.

The depositions of the witness were read and signed, and he was bound over in the usual form.

Mr. *Julian* (*addressing the Coroner*).] You have it already on your notes, for I was not particular in getting it taken down, that he had his back turned to the other side, and he did not see anything there at all.

Mr. *Waters.*] He did not say that.

Witness.] I did; I was marching towards the other place.

Mr. *Waters.*] Did you not say that you went to the only place where you saw danger?—I did.

Mr. *Julian.*] Do you say, in explanation, that you saw nothing at the other side; your back was turned to them?—

Mr. *Waters.*] Before you went over there did you look there?—I did not look in that direction at all.

Mr. *Waters.*] That is an additional reason why you should have been left in Clare.

Mr. *Julian.*] The moment I attempt to prove anything you say there is nothing at all in it.

The *Coroner.*] You don't know what took place on the quay side, for your back was turned to it, and you did not look in that direction?—Yes.

DANIEL CONNORS, being sworn, was Examined by Mr. *Julian*, and deposed:

D. Connors.

YOU are a Sub-Constable?—I am a Sub-Constable of Constabulary.

Where were you stationed?—In Talla, county Clare.

Were you in the escort in charge of the voters on Saturday the 29th, at about two o'clock in the day?—Yes.

That came across the bridge?—Yes.

As the escort came across the bridge?—Yes.

And you had been with them for some distance before?—I formed one of the escort.

The *Coroner.*] I think we had better say he was on the escort.

Mr. *Julian.*] Were there many lancers before you, as you came across the bridge?—There was.

As you came across the bridge, and while you were still on it, did you see anything done to the lancers?—The first thing I saw in coming across the bridge, were stones coming from the railings; that is the right-hand side coming in; from inside the railings.

While you were still on the bridge?—I was still partly on the bridge when I saw it.

How did these stones appear to be thrown out?—They were thrown in amongst the voters, the police, and the military; they were coming in the direction of the military, the police, and the voters, but I could not say whether they were intended particularly for the military.

Had the advanced lancers got as far as the open space at this end of the bridge, when the stone throwing first commenced?—I could not say that, for I was in the rear.

As far as you could see over the heads of the lancers that were about that place, can you tell us were any of the lancers in front where they had got?—I think they were as far as this end of the railing; I could not say when the stones commenced at all.

When you saw the stone throwing commence, where about were the lancers?—They were opened out at both sides, clearing the people, and the stone throwing going on all the time.

The *Coroner.*] At the time that the stones were thrown, the lancers had opened at both sides, clearing the people?

Mr. *Waters.*] That is not so.

Mr. *Julian* (to the *Witness*).] Do you wish to correct that?—It is correct.

Had you succeeded in getting on yourself?—I succeeded in getting on, but I could not look before, for I was afraid of being struck myself, they coming so thick. I did try to look sideways, in looking at the space inside the railing, where the stones were coming from, they were coming so thick.

Did you see, as you got across the end of the bridge, any lancers struck?—In coming down towards the Court-house, I saw stones coming from the Shandon side, and I saw a lancer putting up his hand that way, and stepping back, but I could not see whether the stone struck him or not.

Was there a stone flung towards him or not?—There was.

The *Coroner.*] You saw a stone thrown, and a lancer raising his arm, and stopping to avoid it?—Yes.

Mr. *Julian.*] But you cannot tell whether it struck him or not?—Yes.

You said that the stone came from the Shandon side?—Yes.

Do you know which side the Shandon side is?—Yes; the left-hand side coming in.

That is a mistake, as you do not belong to the town; you don't know it, as you don't belong to the town; that is the quay side.

Witness.] I mean at the right-hand side in going out, and to the left in coming in. It was from the left-hand side coming in, I saw these stones thrown.

I wish to state, or rather to correct, that he does not know which is the Shandon side. (*Addressing the Witness.*) The stones you saw thrown previously were from the right-hand side?—Yes.

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Put the Shandon side there; it distinguishes them best by right and left, for those who do not know the local names. As you got in with the voters from the end of the bridge, can you say from how many quarters stones were thrown?—

Mr. *Waters.*] Ask him what he saw, and from what quarter he saw the stones come?

Mr. *Julian.*] From what directions were the stones thrown?—The first direction I saw them coming from was from the right, and then according as we moved on, I saw stones coming from the left also.

The *Coroner.*] From the left, or quay?—Yes.

Mr. *Julian.*] Were they flying thick?—They were.

Did you find any difficulty in getting your voters along, in consequence of that?—Well, we did not, but the voters were afraid.

Well, tell us what took place about it; they were afraid of what?—They were afraid of the populace.

Afraid of what?—Of being struck.

How did the voters exhibit their fear?—I heard them saying that there was no protection for their rear, where they were opposite to where I was myself.

Mr. *Waters.*] Were you not there?—I was, but——

Mr. *Julian.*] Well, really——

Mr. *Waters.*] But the man is making little of himself.

Mr. *Julian.*] Were you able to keep your place in the line of march, with the way you were treated, and the voters?—I was.

I think you stated, in getting along, you had to keep looking sideways; to keep your weather eye open, looking out for the stones?—I did.

Did that inconvenience your line of march, in making you look sideways?—It did, but I kept my place.

You got on to the Court-house?—We did; to some yard in the neighbourhood.

Were you with Mr. Heard afterwards, in clearing the people inside the railing?—No.

Cross-examined by Mr. *Waters.*

And you came out of it with your life?——I did.

Were you terribly frightened?—I was, sir.

Did you shoot any man?—No.

Or stab one?—No.

If you shot a man that day, would you be ashamed of yourself?—

Mr. *Julian.*] Don't answer that question.

Mr. *Waters.*] For the stones you saw thrown there, would you be ashamed of yourself, if you stabbed a man?—I should get great provocation before I would stab a man.

You did not get it?—I did not get it.

When did you leave Clare?—Yesterday.

Then you had better go back as soon as you can?—I will.

Who paid you your expenses?—My officer.

A *Juror.*] Could you say which was it, the right or left arm the lancer raised, when he raised his arm?—The left arm.

Where was he riding at the time?—He was riding down towards the Court-house.

You stated that the lancers were opened at both sides, clearing the people, when you saw the stones thrown?—Yes.

All along you were in the rear of the escort?—I was in the rear.

How long was the escort, voters and all; was it 50 or 100 yards?—It was in or about 50 yards, and up to 100 yards.

It was in or about 100 yards?—Something about that.

When did you first see stones; when you saw the lancers putting the people back?—The first time I saw the stones thrown, I could not see the foremost lancer at all; I could not say what they were doing.

They were 50 yards in front of you?—I think they were in or about that.

Mr. *Julian.*] But you stated that you saw them clearing the space in front of the Court-house?—

Mr. *Waters.*] I don't want anything about that at all.

Mr. *Julian.*] But I do. (*Addressing the Witness.*) You stated that you saw them clearing the space in front of the Court-house?—I saw them going at both sides, forcing the people back at both sides of the space.

Was that clearing the space, or keeping the people back?—I cannot say; I saw some of the lancers going down the quay side, and some going down by the Bank Building.

Mr. *Waters.*] He said, driving the people before them.

Mr. *Julian.*] You said that, did you?

Mr. *Waters.*] He did say——

Mr. *Julian.*] We will see if he will adopt your words to that extent.

The *Coroner.*] And some were going down the quay.

Mr. *Julian.*] What were they doing; did they go down the quay at all?—They went down, partly down there, along that sloping space, to the end of the bridge; I don't know how far they went down.

You said, in answer to a juror, that it was the left arm the lancer raised to protect himself from the stones?—Yes.

And the lancer was at the time riding from the bridge towards the Court-house?—Yes.

The depositions of the witness were then read over, and signed in the usual manner.

A *Juror.*] Did you see more than one stone thrown from the one side?—I did.

The *Juror.*] We have down that there was only one thrown.

Mr. *Julian.*] That is a mistake of his, for the Coroner has it down already that there were several; he used the work "thick."

The *Juror.*] Very well.

Sub-Constable JOHN COLE, being sworn, was Examined by Mr. *Julian*, and deposed:

Sub-Constable *J. Cole.*

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ARE you a Sub-Constable?—I am.

Of where?—Callane, county Clare.

A *Juror.*] Mr. Coroner, could we get any of the wounded people; of the people that were hit with stones?—

Mr. *Julian.*] I can only say, in answer to that, that I shall have some of the wounded people on my side examined.

A *Juror.*] We would wish to get additional evidence, as to the stones being thrown, and who were wounded.

Mr. *Julian.*] If you tell me that you don't believe Mr. Kennedy's evidence, and the other witnesses who deposed to the injuries inflicted on the lancers, I will stop, but until I find that the evidence and the party is disbelieved, I will produce evidence to disprove it.

Mr. *Waters.*] I think that is a very improper observation for you to make.

A *Juror.*] As far as we are concerned, we believe that stones were thrown.

Mr. *Waters.*] I believe that stones were thrown, and nobody denied it.

Mr. *Julian.*] I will produce some of the wounded people, and I will give evidence in reference to it. We have had none of the wounded people on the other side yet.

Mr. *Waters.*] The jurors think we had too much witnesses on my side already, and that I ought not to trouble them with more.

Mr. *Julian.*] Those men having been called with the sub-inspector from a distance, I want to get rid of them. (*To the Witness.*) Were you one of the escort on the day of the 29th, coming across with the voters over the bridge?—Yes.

As they came across to this end of the bridge, did you see anything done to the military?—I saw stones inside from the railing towards the police, military and voters.

The *Coroner.*] As you come to this side of the bridge?—Yes.

Mr. *Julian.*] From which side did these stones come?—From the right, as you come across the bridge; from inside the railing; from the deal yard.

Did that interrupt you, in your escorting the voters in any way?—Yes; when the voters saw stones coming, they quickened their pace, and I was thrown out of my position. I was thrown out of my place, and I had great difficulty in coming on.

The *Coroner.*] You say they threw you out of your place?—Yes, and I had great difficulty in keeping my place.

Mr. *Julian.*] Were there many stones thrown?—Well, while I was passing, I could not say how many, but I should say there were 20 or 30.

At the time the stones were thrown at the military—

Mr. *Waters.*] He did not say that.

Mr. *Julian.*] We must have it out; was it at the military they were thrown?—Well, I could not swear it.

In what direction were they thrown?—It was in the direction of the military, police, and voters and infantry soldiers.

At the time the stones were being thrown, were the military doing anything to the people, as far as you saw?—No.

Mr. *Julian.*] I won't ask you any more questions.

Mr. *Waters.*] I won't ask him anything.

The depositions of the witnesses were then read over and signed in the usual form.

Mr. *Julian.*] The third policemun, he tells me that he can only prove to the same fact, and I will not ask him to be examined; I will exercise my own discretion in the matter.

JOHN MELVILLE HATCHELL, being sworn, was Examined by Mr. *Julian*, and deposed:

J. M. Hatchell.

YOU are a Resident Magistrate?—I am a Resident Magistrate.

Where do you reside?—In Ballinasloe, county Galway.

Were you on duty in the recent election in Dungarvan on the 29th?—Yes.

As resident magistrate?—Yes.

Did you go out with any escort of voters on that day?—I did.

Had you gone out more than once?—Only once.

At what hour of the day was that?—I left Dungarvan about 11 o'clock in the morning of the 29th.

To go on which direction?—On the Stradbally-road, to escort in about 200 voters.

That was across the bridge?—Yes.

Had you the Lancers with you at that time?—I had a troop of Lancers, under the command of Captain Orred, with me.

The *Coroner.*] You had about 200 voters with you?—About 200, I should say.

Mr. *Julian.*] At what time were you back with them?—We got back, I should say, about half-past one o'clock.

Had you been met by other Lancers, or any other escort, on the way back?—Yes.

By whom?—Met by a troop of Lancers. Captain Le Quesne, accompanied by Major Wombwell, and Mr. Greene, resident magistrate, came to assist me in bringing them in.

The *Coroner.*] You were met by a troop of Lancers, commanded by Captain Le Quesne, Mr. Greene, and who was the third person?—Major Wombwell.

Mr. *Julian.*] We will get on till we arrive at the bridge to the town; and at the bridge did you see anything take place until you got at this side?—No.

Describe what took place; were you in front?—No, I was in the rear troop; I was riding close behind the voters who were walking, and who had been formed up, after having been taken off the cars, and marched them in under the escort I have mentioned, and opening of infantry, and about 50 police.

Opening as the Lancers came up to assist him, he formed the voters up to march on?—I ordered them off the cars, and formed up, and packed them as closely as possible, to march in; the cavalry were then formed up, one-half to the front and the other half to the rear, and the infantry alongside; I was riding just in rear of the body of voters, in front of Captain Orred's troop.

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troop. As Major Wombwell's troop, which led the procession, or cavalcade, or whatever you like to call it, reached about the centre of the bridge, I saw stones thrown; I was not on the bridge then.

Whereabouts were you?—I suppose I was between 15 and 20 yards of the bridge, at the other side; I would not swear whether it was 15 or 20 yards.

You have already stated that you were on horseback at the time?—Yes.

Are you quite positive that before the advance guard of Lancers had crossed the bridge, you had seen the stones thrown?—Positively.

From what place?—From the railing side; that is from the Shandon side; I saw them in the air, and they came in that direction; they were thrown in the direction of us; that is, I mean, of the police, military and voters.

Proceed, if you please?—I turned round to Captain Orred, and said——

Mr. *Waters.*] Don't tell us what you said.

Mr. *Julian.*] You made an observation to Captain Orred?—I did.

What next took place?—The next thing I saw was a troop of Lancers in front wheeling up, one-half to the left and the other to the other side, when they got up to the end of the open space, at the far side of the bridge.

Can you say did the stones continue from the time at which you saw them, when the advance guard of Lancers were on the middle of the bridge, until they separated on the other side?—I cannot say.

What did you see then take place; by the way, might I ask you, could you form any idea of the numbers, and did there appear to be large numbers of people at the end of the bridge as you came across; there was a large number of people at both sides of the bridge as you came across?—There were 600 or 700; I should say there were 600 or 700 people there; I saw a good many women there amongst them.

At the time the Lancers advanced, part to the right and part to the left, at this end of the bridge, how close were you then to them?—I should say the length of the Court-house from them, perhaps the length of it, or not quite so far.

Were you close enough to see all they did?—Perfectly; I saw everything distinctly.

Now did they, in dividing to the right and left, as you have already described, did they do that in any way that they ought not to have done, and were they trying to avoid doing it in a way unnecessarily offensive to the people?—Certainly not, they merely wheeled up.

They did not molest the people in any way?—Of course not; I understood their object in wheeling up.

Was it absolutely necessary that they should wheel up to keep back the crowd in that point?—I consider it was.

And the manner in which it was done?—Decidedly.

What took place when they did so?—Some of the Lancers went on with the voters, and as the voters moved on to the front, I then saw them received with volleys of stones from both sides.

A few of the Lancers passed on with the voters and military escort, the infantry escort, and those Lancers who were left to keep back the crowd were received with volleys of stones?—They were, particularly from the Shandon side.

Were you struck yourself?—I was not, but my horse was struck in several places; I was very nearly struck, but I suppose a miss is as good as a mile.

Was your horse injured?—Well, no; he was not.

But he was struck in several places?—He was.

I think you stated that you saw the stones thrown from both sides, and particularly from the Shandon side?—Yes; my attention was then drawn to the Shandon side.

You heard Mr. Greene's evidence?—I heard a portion of it.

Could you give any idea of the number of stones that were flung; was he right in describing them?—I could not say how many, or any number; they were very thick indeed, and they came in volleys; I mean now on the Shandon side in particular.

Did you see any Lancer's horse come down?—I saw one Lancer's horse, one not regularly down, but I saw him stumble; I saw three or four Lancers struck with stones; I saw one Lancer get two blows of stones on his back.

Mr. *Julian* (*to the Coroner*).] Take down, "I saw several struck."

Mr. *Waters.*] Did you say "several" or "some"?

The *Witness.*] I say some; I saw a Lancer's shako knocked off.

Was the shako knocked off the man who was nearly falling?—It was not the same man whose horse was near falling.

Mr. *Julian.*] Did you give any directions at that particular time?—I did, to the police.

What were they?—My attention was then drawn to the place where the people were inside the railings, and the stones were really so large that I rode under, close to the railings for safety, for they could not throw them through, the railings were so large. I said, "Break down those things, and get in, and drive those fellows out of that;" and they did succeed in doing so. Mr. M'Dermott, the sub-inspector was there, and the gate was opened, but I don't know how it was, but it was by some means opened, and three or four Lancers got in and drove all the people out.

You say that, for your own safety, you went close under the railings; that some of the stones were so large they could not pass through the railings?—Yes; I never saw them so large, and so large that they could not put them through the railing, and the nearer I was to the railing the safer I was; they were "lobbing" them over.

You never saw stones so large as those thrown from inside the railings?—I never did.

The *Coroner.*] You rode close up to the railings for your own protection?—No, not particularly for that, but to see that the police went in. The populace were pulling out the railings, I think.

Mr. *Julian.*] I think you said that some of the stones were so large that they were only "lobbing" them over the railings, as they could not put them through?—I did not say that; I said thrown through.

The *Coroner.*] Then the police got in?—Some of the police got in, and broke down some of the railings; it was a matter of a minute; when the gate was opened, I saw three or four Lancers coming in and galloping round, and the people cleared off; I saw two men arrested.

Mr. *Julian.*] Did you see any heaps of stones

or

or loose stones about?—I don't remember seeing any heaps of stones; do you mean inside?

Yes, inside or out?—I saw some macadamised stones outside.

Did you say heaps?—I don't say heaps, but I think I did see a heap of macadamised stones outside.

During that time, while that stone throwing which you have described was going on, did you see a Lancer molest, or doing anything improper to the populace, except to those who were stone throwing; they did not stand quite quiet under it all?—I did not see them doing anything to molest the people.

What did they do; tell anything and everything?—When the Lancers opened out, a portion of them went down the quay; I saw them going down; my attention was directed to the Shandon side, and I went to the railings, and I saw no more of the quay. The Lancers on my side were riding about with their lances carried, with the exception of two or three, who went in to clear out the people, and those had them lowered.

The *Coroner.*] A portion of them went down the quay?—A portion of them went down the quay, but my attention was directed towards the Shandon side then.

Mr. *Julian.*] What do you mean by carried?

The *Witness.*] They had their lances up in the air.

The *Coroner.*] All the Lancers on the Shandon side, except those who went inside the railings, had their lances carried?—Yes, carried.

Mr. *Julian.*] The Lancers that separated to go down the quay, did you see anything done to them, immediately before they separated to go down the quay?—I saw them pressing the people down to go back.

What was done before they separated?—Before they separated they were pelted with volleys of stones, and the next thing I saw was their going down the quay.

They were first pelted with stones, and then they started to go down the quay?—Yes.

From what place were they pelted?—They were pelted from the quay side, but the pelting that I saw from the quay side was nothing in comparison to the stone throwing that was going on at the other or Shandon side.

I suppose that they were "lobbing" in all the big fellows, as at the other side?—No.

But was the stone throwing at the quay side thick at the time that they started?

Mr. *Waters.*] Let him describe what occurred.

Mr. *Julian.*] But was the stone throwing at the quay side going on at the time that they started; was it mild, and delicate, and agreeable?—I don't know what you call mild and delicate.

Mr. *Waters.*] Let him describe it.

The *Witness.*] I saw stones thrown from that side, and I saw the men pelted with those stones, and the next thing I saw was the Lancers moving down the quay side, and then my attention was attracted to the Shandon side, and I being nearer to it than the other side.

Mr. *Julian.*] But did the stones that they were pelted with from the quay side come in odd ones or pretty freely?—For the most part, I was looking at it, they came pretty freely; they were more than odd ones, but my attention was only directed to it for a moment.

In addition to the stones that came pretty freely from the quay side, could any of the stones from the Shandon side reach them pretty freely?—Certainly; they were flung with sufficient force.

They were flung with sufficient force to reach them pretty freely?—Certainly; to reach the Lancers, you mean?

Yes?—Certainly.

They did it pretty freely in front and rear; what occurred after the inclosure was cleared out?—I then rode back to the Court-house, and the whole thing was then over; I saw the Lancers rejoining their troop.

Inside of the railings the Lancers had cleared the people out?—Yes; I did not know what had occurred at the other side.

About how long did the whole thing take?—A very short time, perhaps about a minute or two; it appeared a very short time.

Had you any opportunity of observing whether the crowd on the quay side were running before the Lancers as they rode down the quay?—I observed that they left fellows behind them.

Did some of the crowd fly before them?—Yes.

Some of the crowd at the quay side of the bridge ran before the Lancers, who turned to go down the quay?—Yes.

Mr. *Waters.*] Would you say who turned to chase them?—They advanced on the people to drive them back; I don't say that they attempted to charge them; I only looked down for a second.

Mr. *Julian.*] You say the Lancers turned to follow the people down the quay to put them back, and that you saw them turning the people down the quay?—I only looked for a second down the quay.

Did you keep them in view any time?—No.

Were you in the square that morning?—I was not.

Did you hear any of the offensive expressions used to the Lancers?—I did; I heard them the day before.

Mr. *Waters.*] Never mind the day before.

Mr. *Julian.*] You heard no offensive expressions used on that day?—No.

You were out of town at 11 o'clock, and came back at half-past one o'clock?—Yes.

So far as the conduct of the Lancers came under your observation that day, how did the Lancers behave, considering the treatment they got, and the whole circumstances of the case?—Well, I thought that, from what I saw of them, and the quantity of stones they got, that they acted with great forbearance.

Cross-examined by Mr. *Waters.*

You were asked about insulting expressions; is it your opinion that if insulting expressions were used to a soldier, that he ought to take away a man's life?—Certainly not.

Mr. *Julian.*] I object to that sort of question; I question his right to put a supposition that I never intended.

Mr. *Waters.*] I attribute no opinion at all to Mr. Julian.

Mr. *Julian.*] You imputed it to me on cross-examination.

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Mr. *Waters.*] I did not do it. (*To the Witness.*) You say that stones came in volleys from the Shandon side, and that they came somewhat less from the other side?—Certainly.

Then you think that the real danger was from the Shandon side?—Yes.

Did you order the military to charge?—To clear the place.

You gave no direction to the Lancers or their officers?—No, certainly not.

You went down one side, and Major Wombwell went down the quay at the other side?—I did not see Major Wombwell going down the quay.

You say that the police got in, and you did see Mr. Heard and some of the police inside the railings?—Yes.

Were they inside the railings before the gate was broke and the Lancers got in?—I cannot say.

You say the Lancers outside had their lances raised, and inside that they had them lowered?—Yes.

Did you see them used?—I did not; they brought them down, but they did not work them. I did not see them worked or flourished; if you like, you may call that used them.

Or put into one's body?—No.

Now, to come out into that space, did you see any persons wounded outside?—No, but I saw two persons knocked down.

By what?—By horses pressing on them; I cannot swear with what, but they could not get up again. I could not say whether it was by the lances or the horses they were knocked down.

You cannot say whether it was by the lances or the horses?—No.

But at all events you saw those two men knocked down?—Yes.

Did you see a woman who was wounded there?—No.

Did you hear of it on the spot?—No, I did not; my attention was called to the inside of the railings.

Did you see any of the constabulary knocking down a man there?—No.

You don't know anything of what occurred on the quay lower down?—No, nothing at all.

You were in the rear coming up?—Yes, in the rear, in front of Captain Orred's troop, bringing up the last of the voters, and Mr. Greene was in the van.

Mr. Greene had a better opportunity of seeing what took place in the front than you had?—He had; but I was on horseback and saw also.

He was on horseback also?—Yes.

Mr. *Julian.*] Is Mr. Greene near-sighted; perhaps he can tell us that himself?

Mr. *Greene.*] I am; I am very near-sighted.

Mr. *Julian* (to the *Witness*).] Is your sight good?—Very good.

Mr. *Waters* (addressing Mr. *Greene*).] Could you see a stone coming to you, Mr. Greene?

Mr. *Greene.*] I could.

Mr. *Julian* (addressing the *Coroner*).] Put that down, sir.

The witness's depositions were then read over and signed in the usual way.

Mr. *Waters.*] He says that at the side at which he saw real danger was the Shandon side.

Witness.] Yes; I cannot say that there was any real danger at the other side.

Mr. *Waters.*] Yes, of course, and you turned to the one that you saw the most danger at?—Yes.

Mr. *Waters.*] He says also that he gave no orders to the Lancers to charge, but that he did give directions to the constabulary.

Mr. *Julian.*] To act on the Shandon side.

Mr. *Waters.*] Oh, of course; and then he says he did see two men knocked down either by the Lancers or their horses, but he cannot say whether it was by the Lancers or the horses.

The *Witness.*] To the best of my opinion, it was by the Lancers.

Mr. *Julian.*] You must take that down; he gives it to the best of his opinion that it was done by the Lancers.

The *Witness.*] I cannot swear on my oath that they were knocked down by the Lancers, but to the best of my opinion they were knocked down by them.

Mr. *Julian.*] He said also that he did not mean to say that there was no danger at the quay side.

Surgeon ALEXANDER DUDGEON GULLAND, being sworn, was Examined by Mr. *Julian*, and deposed:

Surgeon *A. D. Gulland.*

To what regiment do you belong?—The 6th Regiment of Foot.

In addition to having charge of your own regiment in Fermoy, you have charge of the Lancers in Fermoy?—I have charge of the Lancers in Fermoy.

There is no surgeon of their own with them?—No.

Do you recollect a portion of them being absent from Fermoy on the 29th of December?—I do.

After their return to Fermoy, were you called upon to examine some of them who had been injured?—Yes.

Have you with you a return of the men injured?

Mr. *Waters.*] I object to this evidence; he was in Fermoy, and for all he knows they may have been injured—God knows where.

Mr. *Julian.*] It is most strange that in every line of evidence I have followed the very excellent example of the learned counsel at the other side, but yet he stands up and objects to it; and you, Mr. Coroner, have been obliged to rule against these objections. It will be in your own recollection that a doctor in the town dressed the wounds of parties, and gave here a description of the nature of the wounds he saw, but yet he could not tell how they got those wounds. I stated at the time it would be better to bring those parties forward and examine them, and you have that on your notes. I now propose to prove the wounds that were inflicted upon the troop of Lancers who were engaged here at this election, and to hand in a return that was made by this gentleman himself of the number of those wounded men immediately after their return from the election. Some of those very men I will produce, but I cannot bring the whole troop;

troop; but I will bring up a selection of those whom I selected originally for examination. I know how trying it would be to have to sit here listening to all, and I will endeavour to cut short a great deal of my evidence.

Mr. *Waters.*] Let him confine himself to the injuries received by the men outside there; I will have no objection if he does so.

Mr. *Julian.*] Dr. Anthony did not confine himself to any persons, no matter where they received their injuries.

Mr. *Waters.*] But those wounds were inflicted in Dungarvan, and the others might be in Fermoy.

Mr. *Julian.*] For all Dr. Anthony knew, the parties whose wounds he dressed might have been wounded at Beery's Cross by Lancers who were there, and who never came into Dungarvan at all; they might have gone out to that place, and then come back to him to have their wounds dressed.

Mr. *Waters.*] If you had made the objection I would have submitted to it.

Mr. *Julian.*] I did object to it.

The *Coroner.*] I rule the point in favour of Mr. Julian.

Mr. *Julian* (to *Witness*).] How soon after your return were you ordered to make the inspection?—I was asked by Major Wombwell to see one of the men who was hurt, Serjeant-Major Bromley, on Sunday. I also examined others on Tuesday.

Is this the return?—It is.

Is it correct?—It is.

[*The Document was read by Mr. Julian, as follows, and then handed in:*]

"Major Wombwell, contusion of the right knee. Serjeant-Major Bromley, contusion back of the head; ditto, left temple; ditto, bridge of the nose. Serjeant-Major Hannan, cut on the right eye; Farrier Serjeant-Tillier, contusion over the right eye; Private Richard Owen, cut left hand; Private Charles Barber, contusion right eye; Private John Gunier, contusion left elbow; Private Richard Hamerton, contusion left wrist. Private James Hamerton, contusion right knee; ditto, abdomen."

Mr. *Julian.*] In addition, you state there were 20 others who stated that they were struck with stones and bottles, but they did not show you any injuries, and you did not examine them?

Mr. *Waters* objected to the latter portion of the statement.

Mr. *Julian* said he would put it in, if it was not objected to.

Mr. *Waters.*] I do object. It is not legal, and I object to it.

Mr. *Julian.*] I admit it is not legal, but if you do not object, I will go on.

Mr. *Waters.*] I shall make no objection.

Mr. *Julian* (to the *Witness*).] You are not to say anything about those 20 men?—Very well.

Mr. *Julian.*] Now, Serjeant-Major Bromley; what about his injuries?—He got a blow on the back of his head, another on his left temple, and one on the bridge of his nose. Surgeon *A. D. Gulland.*

Was the blow on the back of the head near the occipital bone?—It was to the left of the occipital bone. 11 January 1867.

Did you see a pretty severe contusion on it?—It was a severe contusion.

Is he labouring under the effects of it still, or is it quite well?—No, it is not.

Was that over the left temple a severe cut?—It gave him a black eye. He had a contusion over the temple, and a cut over the bridge of the nose.

That man is here?—I saw him to-day.

This is only in Fermoy?—Yes.

You don't know anything about the Cork men?—No.

Cross-Examined by Mr. *Waters.*

Show me the list of the killed and wounded. (*Document handed to Counsel.*) I believe that army surgeons are usually rewarded after great battles for services in the field, such as at Balaklava, and the other battles of the Crimea?—No; for I was there, and I was not rewarded.

You do not expect to get anything for your services in curing these men's wrists, elbows, and black-eyes?—No.

Do you look upon this as a very ridiculous thing?—I do not.

Mr. *Julian.*] Mr. Water treats this as a very ridiculous sort of thing.

Mr. *Waters.*] If you do not think it ridiculous, I do.

Mr. *Julian.*] It is very ridiculous that those men who were engaged in doing their duty should be injured in this way. (*To Witness.*) Supposing now, for instance, that Serjeant-Major Bromley, who was struck on the left side of the head, what would have been the consequence had he been struck a little further over?

Mr. *Waters.*] That does not arise out of my cross-examination, and you cannot ask it.

Mr. *Julian.*] Do you object to it being given?

Mr. *Waters.*] I do.

Mr. *Julian.*] Very well.

Mr. *Waters.*] I am particular about this being taken down correctly, Mr. Coroner, to show that the men were not examined till after this inquest began.

Mr. *Julian.*] And so am I, to show how long the wounds remained; that they were sufficiently severe to continue up to Tuesday.

Mr. *Waters.*] Well, we will see. Let it be taken down correctly.

The Court here adjourned for an hour. When the Coroner sat again,—

Captain John Cavendish Orred, being sworn, was Examined by Mr. *Julian*, and deposed:

You are a Captain of the 12th Lancers?—I am. Captain *J. C. Orred.*

May I ask you, Captain Orred, as the honour of his regiment is as dear to a soldier as his life, if there is any truth in the statement that your regiment ran away in India?—Not the slightest.

Mr. *Waters.*] I think it right, as Mr. Julian has asked the question, to state that there

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there was something attributed to me in the papers, which at the time I did not wish in the least degree should be published. It is not accurately reported even as I said it; but certainly what did appear was portion of what I did say. I think it right to say that on reflection, and talking with other parties about it, that I have reason to believe that there is no truth whatever in the statement.

The *Witness.*] It is a great pity that the statement was made.

Mr. *Waters.*] It is not reported as stated; but I find on reflection, and from conversation with others, that it was not the 12th Lancers, nor any lancer regiment at all, that ran away.

Mr. *Julian.*] The reason I bring the matter forward is that it created some annoyance, so much so that I had a letter from the Colonel this morning, asking me to have it contradicted.

Mr. *Waters.*] I think you will bear me out in saying that it was not intended to be reported?

Mr. *Julian.*] It is very hard to say what is intended to be reported. It is hard for the reporters to know what is to be reported.

Mr. *Waters.*] I do not blame the reporters, but I am satisfied I was undoubtedly wrong in saying anything at all about it. I do entirely retract it; and I find, both from recollection and from speaking with others, that it is not true, either as regards the Lancers, or any Lancer regiment, and I am very sorry that the observation passed my lips.

Mr. *Julian.*] That is enough; he has said he was sorry for saying it. (To *Witness.*) We have it already in evidence that you were in command of the troop that day?—I was, of my own troop.

Was that the one that went out to receive the escort on that day?—I was out twice.

That was the first time you brought in voters?—I went out first about ten o'clock with Captain Le Quesne, and we met Lord Hastings' voters.

Mr. *Julian.*] We will not trouble Captain Orred as to whose voters.

The *Coroner.*] He brought in voters about ten o'clock?

Mr. *Julian.*] Yes, he brought in voters about ten o'clock.

The *Coroner.*] That was the morning of Saturday, the 29th December last?—Yes.

Mr. *Julian.*] Were you molested in bringing in those voters?—At the right-hand corner, looking from here out to the square, at William-street, we were pelted with stones and glass bottles from a window in a house at the corner.

Do you speak of that as a fact within your own knowledge?—I do.

Do you know the house, and did you point it out to any one?—I do, and pointed it out to Captain Barry.

The *Coroner.*] It is the corner of the square at William-street?—Yes.

Were you pelted with stones and glass bottles from the house at the corner of William-street and the square?—Yes, from the house at the corner; from the house at the right-hand corner of William-street, as it faces up over here.

Mr. *Julian.*] Did you see many from it?—There was what I might call a shower, a large, a good number.

Did that take place from more than one house, as far as your knowledge extended?—No.

Were any of your men struck there?—They were.

How many?—Two, I know for a fact; the troop serjeant-major and the farrier serjeant.

Mr. *Waters.*] You are telling what you saw yourself?—I saw the men and their wounds.

You are not giving their account of it?—No.

The *Coroner.*] Which place was it they were struck in; William-street, or the square?—Going into the square.

Mr. *Julian.*] At the corner of the square and William-street.

The *Coroner.*] Did you say that they were cut?—The troop serjeant-major's hand was cut here (*pointing to the place upon his own hand*), and the farrier-serjeant was cut over the right eye (*pointing to the place*).

Mr. *Julian.*] At what hour was that?—It was about ten o'clock, or a little after it.

Did you, when the troops were drawn up in the square, or pelted in the square, hear any offensive expressions used by the crowd to them?—I cannot say that I did. I heard the usual cry of "Down with the Tories," and only party cries.

Mr. *Julian* (to the *Coroner*).] What have you taken as his answer?

The *Coroner.*] "The expressions I heard used on the square were, 'Down with the Tories.'"

Mr. *Julian* (to *Witness*).] Did you hear any reference to the flag of the regiment?—No.

Or about their colours?—No.

Or about their country?—No.

Now, about what hour did you leave that place to go out for the second lot of voters?—I left about half-past 12, or from that to one.

What time were you back?—Between one and two.

As you came back between one and two, were you in front or rear of the voters?—I was in the rear of the voters, but in front of my own troop.

Were you close to Mr. Hatchell?—Yes.

Did you, when you were coming to the bridge, observe anything take place on this side of the bridge?—I saw a great crowd, and stones being thrown; I swear it.

How far were you from it when you saw it take place?—I was at the first lamp-post from the other side of the bridge. I was about eight or ten yards from the bridge on the causeway.

The *Coroner.*] You went out about half-past 12 o'clock, and came back about half-past one?—Yes; and I was about 10 yards from the bridge, and still on the causeway, when I saw this.

Mr. *Julian.*] And while still on the causeway, and at the far end, at the Abbey side?—Yes.

You saw the stones flying at the town side?—Yes, and there was a large crowd there.

The *Coroner.*] Did you say that the stones were flying from the crowd?—Yes.

Mr. *Julian.*] Had any of the Lancers reached the town end at that time, or were they still on the bridge at the time?—The front troop and the voters were just over the town side of the bridge as the stones began to fly.

Do

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Do I understand you to say that they had only just arrived?—The head of the column had just reached the other side.

You proceeded on yourself?—Yes.

Over the bridge?—Yes.

What took place as you arrived there?—As I arrived there, I saw a few of our men on the right hand of the Shandon side putting the people back. Almost immediately afterwards they crossed the main street, and came down to come here.

The *Coroner.*] Whom do you mean by "they"?—Those men who were on the Shandon side.

The people?—No, the lancers.

Mr. *Julian.*] Can you say, had some of the lancers who were over before you, gone down the quay before that?—No; not that I am aware of.

What did the men do who crossed over to the quay side?—They rode down the quay.

Can you say how far they rode down at that time?—About as far——I do not know the name of the store, but I can point it out to you; I think the store is about 20 yards beyond Keily's house.

You must be now speaking of the time at which the Lancers left the bridge?—

Mr. *Waters* asked the witness to explain.

Mr. *Julian.*] Before they did that, did you see any stones thrown at that end of the bridge?—Most decidedly.

You said, I think, a moment ago that when you got across the bridge, the men, or some of the men, were keeping the people back on the right or the Shandon side; those men who were keeping the people back at the Shandon side; were there any men at the left or the quay side at that time?—I did not see them.

Can you say whether there were or not?—I cannot say.

Were there stones being thrown at that time?—Yes.

In quantities?—Yes, in hundreds.

From all quarters?—Yes.

You have already stated that you saw lancers keeping the people back against the railings, and at that time stones were flying in volleys from all sides; did you see any party struck there?—I was struck myself.

Is your shako here?—Yes (*shako produced.*)

Point out where it was struck?—(*Witness pointed out the indentation.*)

Mr. *Julian.*] An indentation from the blow of a stone is on the hat; if the jury wished to see it they can. (*The shako was here handed up to the jury.*)

A *Juror.*] We consider that the mark is very small.

Mr. *Julian.*] It would take a very hard blow to leave that mark; it is very hard leather.

Is the indentation which is there now in the leather, or that mark in the leather, from the blow of a stone?—Yes.

Do you swear that it was the blow of a stone that produced that indentation, and the crack in the leather?—It was.

A *Juror.*] I did not see a crack in the leather.

Mr. *Julian.*] Put on your spectacles, and I will send it up to you again.

The *Juror.*] Oh, no.

Mr. *Julian* (to the *Witness*).] Was it from the quay side or the Shandon side that blow came?—From the quay side.

As you rode down the quay on that occasion, did you see that there were any lancers before you?—There were.

Then although there were some lancers down the quay before you, and you were going down yourself, do you swear that the stoning was still going on the bridge?—Yes, when I left.

At the quay side?—Yes.

Could you give me any idea of how many lancers were down the quay before you?—I should say about eight or 10.

As you rode down the quay after those men, did they do anything to the people?—They did not; they had their lances carried.

Did you see any persons in any inclosure or boats as you rode down the quay?—I did; there were people on Lord Hastings' yacht, and a vessel beyond her, and there were people on the road and down alongside the wall.

Do you mean where the stones are?—No; I mean——I believe it is a meat market; it is the back of the wall of the Court-house yard.

Is not it on a continuation of the same wall where there is a coal store?—I have not seen the coal store.

Is it on the way down towards the linney?—Yes.

Did you see any persons in the Root Market as you got there?—Yes.

Were there many?—Yes; it was full.

Were there any further on; do you know where Keily's house is; were they as far on as that?—I cannot swear that they were.

As you got down with your men, did you see the deceased, or did you see any man on the ground?—No.

Were there any stones flung on the quay at your men?—Not as I went down.

Were they at all at your men on that quay?—On the top of the bridge they were, but not on the quay.

The *Coroner.*] You mean to say that there were no stones thrown down along that quay at your men?—I do not know.

Mr. *Julian.*] Were you speaking of all the men on the quay, or only speaking of the men of your troop?—Yes.

You do not allude to the troopers of any other officer?—No.

Did the lancers who were on before you, and for whom you can speak, return before you?—Yes; I heard the assembly sounded, and they came back.

Can you say, was it by any of your troop that the assembly was sounded?—No; it was not.

You heard the assembly sounded, and they came back, and it was not any of your troop sounded it?—No.

Was it not in that large open space, about Captain Keily's that you were then, or did you go further on?—I was a little further on.

Does your evidence previously given, of your men not having used their lances, extend up to that point?—Yes.

Now when the others came back, just describe what took place then; this we have not had before?—We formed up, and trotted back to the Root Market.

Did Mr. Arundell return with them?—I did not see him.

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What was done then, Captain Orred?—The people whom I have previously mentioned as being in the Root Market were told to get out of that.

Why?—To the best of my belief, because——

Mr. *Waters.*] Do not say why.

Mr. *Julian.*] Were they told why?—They were.

Mr. *Waters.*] Who told them?—Some of the Lancers.

Mr. *Julian.*] Why; say it now?—They were told to get out, because they had stoned the lancers going down.

Did they leave it?—Yes.

Did any of the men go inside of the inclosure before they left it?—Yes.

Might I ask did you, as you were going down the quay, or as you were coming back, see the hat of a man?—No.

After they were cleared out of the Root Market, what occurred next?—The lancers came up the quay again, passed the hotel and halted.

Did the people in the Root Market deny having stoned the lancers, when they were charged with it?—They did.

What did they say?—They said that they had not stoned them.

Did the men assert that they had?—Yes.

At all events they were cleared out, and you returned up?—Yes.

Did you see anybody injured there on that occasion?—One of my men was.

How was he injured then?—There was a lump on the back of his wrist. The man's name is Hamerton. It was blue from the bruise.

The *Coroner.*] Did you see him receive the injury?—I did not see him receive it; but I saw this there at the time. There was a blue lump on the back of his hand.

Mr. *Julian.*] Can you say from where the stone came that did that?—No.

Can you say at what part of the quay was it that he showed you the wound?—Yes.

Where?—It was just in front of the Root Market.

Have you any further statement to make about that occasion; anything that you forgot; do you recollect anything further that occurred there; anything that you forgot?—No.

Or at the bridge?—No; except that the conduct of the crowd was exceedingly violent.

Where was that?—On the bridge.

So far as you had an opportunity of judging on that occasion of your men; I mean of your regiment; what was their conduct?—Exceedingly forbearing.

You are not the only one who has said that for them.

Mr. *Waters.*] Quite so.

Mr. *Julian.*] Did you see bottles thrown that day from any other place but the one spot?—No.

Cross-examined by Mr. *Waters.*

I ask you again, was the conduct of the 12th Lancers on the 29th of December exceedingly forbearing?—It was.

You will swear that?—I will.

You will stand by that?—I will.

You will swear that you did not see any stones thrown on the quay?—No.

That you did not see any?—I did not see any.

Mr. Julian asked you, was a man injured on the quay, and you said there was?—Yes.

He asked you how?—He did.

Do you swear he was?—He was.

How?—To the best of my belief from a stone.

What is your reason for saying so?—From the nature of the blow, and the round blue lump.

How did you know where it was got?

Mr. *Julian.*] He said he did not see it struck.

Mr. *Waters.*] Will you swear that the injury was inflicted on the bridge, or on the quay?—No; I will not swear it.

Then will you withdraw your answer that one of your men was injured there?—He showed me the injury on the quay.

He showed you the injury on the quay?—He did.

Where was he struck?—He was struck between the bridge and the linney. He was alongside of me.

How do you know he was not struck at the bridge?—Because he had not the mark on his hand before.

Did you see his hand before?—I know he had not got it before.

Mr. *Julian.*] Let these answers be taken down.

Mr. *Waters.*] How many troopers were with you?—There were 28 in my troop.

Did you examine the backs of the hands of all the men at the bridge?—No; but I know this man.

Did you see his hand at the bridge?—I did not.

How do you know it was not inflicted at the bridge?—(*No answer.*)

Is Hamerton the only name you know in the troop with you on the quay?—I know the names of all the men of my troop.

What is the name of the man that killed Captain Keily?—I do not know, I am sure. I am sure I do not know.

Did you ever hear?—Hearsay evidence is no evidence.

Do you know the name of the man?—I do not know.

Have you any means of knowing?—No.

Mr. *Julian.*] This man Hamerton was close to you, and you saw no injury on his hand at the bridge?—Yes.

How soon after that did you see the injury?—

Mr. *Waters.*] I beg your pardon; you must not examine him now.

Mr. *Julian.*] Do not run away from yourself.

Mr. *Waters.*] I will not do so.

Mr. *Julian.*] The witness says that he saw the wound there before he got to the linney. (To *Witness*); Am I right?—Yes.

Mr. *Waters.*] I ask you again, will you swear that the man was not injured at the bridge?—I have already stated that I will not.

Do you think it material that any of those answers should be taken down; will you swear that none of your men were injured on the quay?—No.

How many men preceded your troop down the quay?—I have already said about 8 or 10.

To whose troop did they belong?—To Captain Le Quesne's troop.

Does

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Does the Captain know the names of all his troopers?—I do not know.

As a military man, does not he?—I should say he does.

Did you ride the whole of that charge?—I did not charge at all.

Did you ride the whole way down the quay?—No.

How far did you go?—I have already stated; I suppose about 50 yards beyond Captain Keily's house.

Did you ride as far as any other lancers rode that day?—I did not.

Then there were some farther than you?—There were.

Then on the whole quay you were not molested in any way whatever?—No.

When I say you, I mean your men?—No.

Mr. *Julian.*] You will have, after all, to be undoing what you have done already, if you put this down, as he has already stated, to the best of his belief, that Hamerton was injured on the quay, and that he was told he was, but he cannot swear it.

Mr. *Waters.*] He has sworn that he does not know that they were.

Mr. *Julian.*] He did not answer that.

Mr. *Waters.*] I think I ought to be allowed to proceed with the same latitude that I gave you.

Mr. *Julian.*] It was to save trouble that I interfered, for I will take him up again.

Mr. *Waters.*] I do not want to save myself trouble in this investigation at all.

To *Witness.*] If you saw one of the troopers on the quay riding up to Captain Keily's door, and making a stab at Captain Keily, cursing him, and then stabbing him in the chest, when he was not offending in any manner whatever, what would you say of that conduct?—I never admitted that I saw that.

Mr. *Julian.*] Does he believe it?—

Mr. *Waters.*] That is not fair. (To *Witness.*) Did you hear my question?—I have heard it.

If you had seen it?—But I have not seen it.

But if you had seen it?—I should say that he was acting in a very disgraceful manner.

Would you say he was a disgrace to his flag?—I would.

Did you see the men that were returning before you on the quay?—I did.

Do you know their names?—I do not.

They are of Le Quesne's troop?—They are.

You never heard their names?—No.

If a man threw a stone at a trooper on the quay, and that the trooper ran at him, swinging his lance, and knocked him down, and killed him, what would you say of that conduct?—

Mr. *Julian* objected to the witness answering a case that was not in evidence, but was a suppositious case.

The *Coroner.*] Such evidence has been given.

Mr. *Julian* said that the suppositious case was put by getting a man who swore that when the deceased was struck he had done nothing, whereas, one of his, Mr. Julian's, witnesses swore that he had thrown stones.

The *Coroner* ruled that the witness was to answer the question.

Mr. *Waters.*] Now answer my question.

The *Witness.*] Ask it of me again.

If a man was struck on the back of the head with a blow of a lance by a trooper on horseback, and that the trooper killed him, would you say that he would be justified in doing so?—I should say that the trooper had received such provocation as that human flesh and blood could not resist doing as he did.

Then he was justified in doing that?—But not in killing him; I think human flesh and blood cannot stand without acting in such a way as to act in self-defence.

Do you believe that?—

Mr. *Julian.*] I would wish that to be taken down.

Mr. *Waters.*] Very well, take it down.

The *Coroner.*] What was it?

Mr. *Waters.*] I really do not know.

The *Coroner.*] I think it is this: that you think that if a stone had been thrown at a lancer by a man who ran away, you say that the lancer would be justified in striking him with the lance, but not in killing him?—I said that; I believed he was not justified in killing him, but that human flesh and blood could not stand being stoned without retaliating in self-defence.

If a stone had been thrown at a lancer, and the party who threw it, ran away, and that the lancer followed him and knocked him down, and that the man was killed, would you consider, as an officer of Her Majesty's army, that the lancer was justified?—I do not say that the man was justified in killing him, but I consider that human flesh and blood could not stand such treatment without retaliating in self-defence.

Mr. *Waters.*] Are retaliation and self-defence the same thing?—(*No answer.*)

A *Juror.*] Some of the jury think that this is a proper time to know whether this trooper was pelted with a stone at all or not. The witness pre-supposes the fact that the lancer was pelted with stones.

Mr. *Waters.*] I think, if you will allow me to proceed, you will will see the drift of it. (To *Witness.*) I think that you say that no injury was inflicted on the men of your troop on the quay at all?—To the best of my belief there was not.

And according to your opinion, when a trooper has stones thrown at him he ought to use his lance?—I did not say that; I said it it was difficult for flesh and blood not to retaliate.

If a man does retaliate, is he justified in using his lance?—No.

Did you see lances used?—I did not.

Anywhere?—No.

At the bridge or on the quay?—No.

Did you see a man with a hat on the top of his lance?—I did not.

Did you see the lancers drive their lances into the midst of the men and women in the linney?—I did not.

By whose authority did the lancers turn the men and women out from under the linney?—I did not give the order.

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Who gave the order?—I do not know; I did not give the order.

And you were with them?—I was.

And how much further did the lancers go down there on the quay?—About 20 yards.

And with the exception of the 20 yards, you rode down the quay with your 28 troopers as far as any other man?—Yes.

Did you see a man lying on the quay?—No.

How soon after that did you hear of the death of those two men?—I heard of the death of one man that evening, but it was not the fact.

Do you believe he was killed by a lance?—I do not.

Do you believe he was killed by a lance?—I do not know how he was killed.

Do you believe he was killed by a lance?—

Mr. *Julian.*] I object now to this repetition of questions.

Mr. *Waters* asked the Coroner to allow him to put the question.

Mr. *Julian.*] I have not made my objection yet. A man's belief, on cross-examination, is not evidence, and I put it to you, as a lawyer, Mr. Waters, is it legal?

Mr. *Waters.*] I have a right to ask it.

Mr. *Julian.*] Let the Coroner rule it.

Mr. *Waters.*] I will ask the question now; did you see blood on any of the lances that day?—No.

On any one of them?—No.

Did you see any on the one here in court?—No.

Did you see blood on it?—I did not.

Do you know to whom that lance belongs?—No.

Do you know the company it belongs to?—I do not know; I think I could find out to what troop it belongs.

Do you swear, that on that day, the lancers behaved with great forbearance that day on the quay?—I do.

By what you saw?—Yes.

By what you know?—Yes.

May I ask were you pelted on going into the square; were you pelted with stones and glass bottles?—Yes.

How many glass bottles were there; how many bottles or stones were flung?—I saw one bottle strike the serjeant major on the head.

How many more?—I will not swear to any more.

How many more?—If you like, I will have it put down a bottle and some stones.

Did you see a lance driven into a house?—No.

Did you see them using their lances riding round the square?—No.

Did they charge round the square?—No; they did not charge. (*Murmurs of disapprobation in court.*)

Mr. *Julian.*] I must ask that this must be stopped.

Mr. *Waters.*] Did you hear that a man was stabbed in Dr. Anthony's shop?—No; not till this day in this court.

Does your idea of the retaliation of a trooper extend to insulting expressions?—No.

Then you think he is not justified in using his lance, because he is called by insulting names?—No.

Did you hear the troopers call the people damned Irish?—No.

Or damned papists?—Most decidedly not.

Or Fenians?—No.

Or say that they would like to be let loose upon them?—No; I should have checked them if I had.

How far had any of the troopers gone down the quay before you followed them?—About as far as the little iron gate, this side of the linney.

About how many yards were they ahead?—I should say about 12 or 14 yards.

The first of them?—The first that I saw.

And you rode down straight after them?—I followed them down.

At speed?—No.

Galloping?—No; at a hand canter.

With your sword drawn?—My sword must be drawn when I am in command of armed men.

Do you swear that you did not see any man lying on the ground then?—I did not.

You saw no trooper stab Captain Keily?—No; I never saw Captain Keily in my life, that I know of.

Did you see a trooper kill any one?—No.

Will you have any objection to give the names of the troopers of your troop?—No.

Will you be able to put them on paper, and hand them to the coroner?—I think I can.

Well, never mind at present; who was in command of the troops that went down the quay?—Major Wombwell; I followed him down as my commanding officer, as in duty bound. He was going on down before me.

Did Major Wombwell continue before you on the quay?—Yes.

All the way?—Yes.

About how far before you?—He was close behind the six or eight, or ten men who preceded me. He was beyond me; and he went faster than I did; and when I pulled up, he was about 20 yards farther on.

Did you see a man in the square with a green flag in his hand?—A civilian, or a lancer, or what?

A civilian?—No.

Not at all that day?—No.

Did you see a lance used outside the Court-house here?—No.

Did you see a green flag that day?—The only green flag I saw that day was hanging out of a house.

As your troopers passed, did they strike at the flag?—Yes.

Did one of them break the glass?—No, not that I saw; one of them touched the flag.

What did he do?—He made a push at the flag with his lance.

Where was it?—It was hanging out of the door of the public-house in the square from which the bottles were pelted.

Did you hear him saying anything?—No; it was before the flag was struck at that the bottle was thrown. I had not got into the square when the glass bottle was thrown, and the serjeant major's hand was cut.

Mr. *Julian* (to the *Coroner*).] I will ask you to take his answer.

The *Coroner.*] What is it?—I had not got into the square when the glass bottle was thrown.

Mr. *Julian.*] What was the rest?—And the serjeant major's hand was cut.

Mr. *Waters.*] Was it he struck at the flag?—No.

Was the man that did it beside you?—No; the man was in front of me.

Did

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Did you say anything to the man for striking at the flag?—No, I did not.

You did not check him or reprove him?—I did not.

Did you say he ought to ride through the streets quietly, without doing anything tending to irritate the people?—I did not.

The *Coroner.*] Where was that?—It was at the corner house of the square; at the corner house I mentioned before.

A man in front of you struck at the flag with his lance?—Yes.

Mr. *Waters.*] Did you accompany the lancers away from this on Saturday morning to Fermoy?—I did.

Did anything occur on the way?—Nothing.

Did you accompany the lancers in from Mr. Roberts's?—I do not know where he lives.

At Coolnagower, out by the workhouse way?—I only got to this side of the workhouse.

Did you see that incident occur of the man Connery being knocked down by the lancer?—No.

The only expressions that you heard were, "Down with the Tories"?—No; they used other party cries, and not those particular words.

Did the lancers consider such expressions as "Down with the Tories" insulting?—No; soldiers have no politics.

Re-examined by Mr. *Julian.*

Do you think that such an incident as Connery related could have occurred there without your seeing it?—I am certain that it could not.

The *Coroner.*] That is, that Connery could not have been knocked down and struck, without your seeing it?—No, he could not.

Mr. *Waters.*] Could Captain Keily have been stabbed without your seeing it?—Not in my presence.

But within 12 or 14 yards?—I do not know.

Mr. *Julian.*] What flag was this that you have alluded to?—I only saw it was a green flag.

Was there anything on it?—I did not see anything about it.

Mr. Waters asked you, as a fact, were any of your men molested on the quay, and you said that they were not; did you intend to swear to that as a positive fact?—No; to the best of my belief it did not occur—to my knowledge.

It might have occurred without your knowledge?—

Mr. *Waters.*] Did you say that?—I say it now.

Mr. *Julian.*] And Mr. Waters says that, to to the best of your belief, is legal evidence; where was it this man Hamerton's hand was struck?—I should say near the bridge.

When the case was put to you about a man being stabbed at his own door, do you believe that that occurred?—I cannot say.

When you say that a man who is assaulted is justified in using his lance, do you mean that he is to use his lance in any particular manner?—If his lance is carried upright like that (*describing the position with his hand*), by giving him a push with it so, it would knock him over.

There are many ways of using the lance?—There are. He is justified in using it; not in using either end, but in pushing it, upright, like that.

Supposing, in place of one stone, he is stoned by volley after volley, he is not justified in using either end?—Not without an order.

Supposing there is no one near him in command, is he to stop there and not retaliate?—That is an impossible case; he could not be staying there all alone.

Supposing the commanding officer engaged elsewhere, on some other business, as Major Wombwell was here at the Shandon side, and that there were three or four, or five there, and that they were stoned, is the lancer to sit there and not retaliate with either end of his lance?—Not without an order from the senior person present. But if he is being stoned at the imminent risk of his life, I think he has a right to act in self-defence.

Who is the senior person present?—The serjeant-major, or the senior serjeant, and so on down; and then the oldest private; but that is an extreme case. The men would not be there without an officer.

Then do I understand you to say that under no circumstances at all can a man use the end of his lance; supposing he is assailed, to the imminent risk of his life, is he not to use the end of his lance without an order?—If he is being stoned to the imminent risk of his life, I think he has a right to use the end of his lance in self-defence.

I say I want to put a case in question to Captain Orred, that I submit is in evidence here; if a man is being stoned at the imminent risk of his life, is he not justified in using the end of his lance to protect his own life?—As a military——

But as between him and a civilian?—

Mr. *Waters.*] Let him answer. Is he to be outside the law of the land?

Mr. *Julian.*] Supposing he is being stoned by civilians, to the imminent risk of his life, is he justified in using the end of the lance?—I say, in answer, that, as a military man, he has no positive right to act without an order, but that being, like ourselves mere flesh and blood, it would be impossible to expect him to keep his temper, and not to act.

You said that, as you rode down the quay, there were people at the wall on the right-hand side, and more in the boats on your left?—Yes.

The quay, so far on, was clear?—There was nobody on the quay between the soldiers in front and myself.

Mr. *Waters.*] Were you 12 yards after them?—When first starting, I was 12 or 14 yards.

Can you say 14?—I cannot.

Mr. *Julian.*] Can you say they were not a greater distance down before you at any time?—No.

Can you say whether or not Major Wombwell had gone down with them originally?—I cannot.

Or whether they went before him?—They went before him. He followed them down; I have stated that in evidence already; that is taken down.

Mr. *Julian* (to *Coroner*).] You have not that fact on the notes anywhere. I have not asked anything of Major Wombwell, as I intend to examine him, and let him speak for himself; and the witness did not then say what he is now saying.

The *Coroner* (to the *Witness*).] You state that Major Wombwell rode down with 10 or 12 men before him?—Yes.

Mr. *Julian.*] You say that the men had the start of the major?—Yes.

Captain *J. C. Orred.* 11 January 1867.

Can you say whether or not those men had not got very much the start of the major in going down the quay; can you answer one way or another to that?—I cannot.

When you allude to the first men, do you mean the whole of the first men, or the first two of them?—

Mr. *Waters.*] There was nothing about the first two men up to this.

Mr. *Julian.*] I will clear up what you want to leave in doubt. (To the *Witness.*) Do you mean to say that the foremost of the eight men was 14 yards from you?—No.

Was it the last of them that was 14 yards from you?—Yes.

The *Coroner.*] Were the 10 or 12 men before you, and then Major Wombwell was in the rear of those men, and in advance of you?—Yes.

The last of those 10 or 12 men were 12 or 14 yards from you?—Yes.

Mr. *Julian.*] How far were the first of them?—I cannot say.

Was it very far?—I cannot say.

As compared to the 14 yards, about how much farther was the foremost man of them; was the foremost of them as much farther away?—I could not say.

Were they close up, or scattered?—Scattered.

Can you form any idea of how much farther the first of them were from you?—They were very much scattered.

Were they very much asunder?—They were scattered.

Did the Major ride past you?—No, he crossed before me.

Had he been up to the time he crossed at the Shandon side?—He was there.

Had he any men with him when he crossed the main road?—No, he had no men with him then.

Then he went to the quay side?—Yes.

Mr. Waters asked you whether the use of offensive expressions would justify the use of deadly weapons, and you justly said that it would not; but if deadly weapons such as stones were used, together with the offensive expressions, would it increase the justification in the use of them?—It would increase the justification.

Mr. *Waters.*] Do you think that a stone is a deadly weapon?—I do.

Do you swear it, as a military man?—I do; if you had seen the stones I saw on Friday, you would perhaps be of the same opinion.

Mr. *Julian.*] You allude to the day before?—Yes; not to the Saturday; I did not see large stones then.

You got your share of them?—I did.

Mr. *Waters.*] I asked you for a list of the names of the men of your troop; you can get them and hand them in to the Coroner?—Very well.

Mr. *Waters.*] They may be the only names that we will get.

Mr. *Julian.*] Is that a proper observation?

The depositions of the Witness were then read over.

Captain John Charles Lequesne, on being sworn, was Examined by Mr. *Julian*:

Captain *J. C. Lequesne.*

Were you in command of any of the troopers at the late election?—I was.

On the 29th December?—Yes.

Was it your own troop you had, or a mixed troop?—My own troop.

The *Coroner.*] You say that you were in command of a troop?—It was my own troop.

Mr. *Julian.*] Had you brought in voters more than once that day?—I myself brought in voters once.

I wish Captain Orred to speak, before he signs his depositions, as to the amount of drink the soldiers of his troop got on that day; I want him to speak as to the amount of drink his troop got on that day. Can you answer for the amount of drink your men got that day; what hour did they come into your charge?—*Captain Orred.*] At half-past seven o'clock in the morning.

Can you speak from that hour on?—Yes, up to the evening. I gave my men, after two o'clock, after this unfortunate occurrence of O'Brien's on the quay, a pint of porter, which I bought from the Devonshire Arms Hotel; that was all the drink they got from half-past seven o'clock in the morning until they went to barracks that evening.

A *Juror.*] Could they not get drink without your knowing it?—They could not, for they were not dispersed at all that day.

Mr. *Waters.*] Were you with them all day?—I was not.

Is it of your troop that the Troop Serjeant-major is, who is on the list of killed and wounded?—No.

A *Juror.*] Could they not have taken drink in bottles with them?—No, they could not; we inspected them before going on duty. They joined me at half-past seven o'clock in the morning.

Had any of them the appearance or signs of drink on them?—They had not.

But could they have drink with them in their pockets?—They could not; it could not be in their pockets.

Did you inspect everything severally?—I had. I saw the men turn out, and I saw them all prepared in every respect.

Did you examine their haversacks?—I did not.

Could they have had drink in their haversacks?—No; you could see it in their haversacks. The haversack is a small calico bag, in which you could see the shape of a bottle.

Mr. *Waters.*] Your troopers are those who got the penny loaves and porter at Abbeyside?—They are not.

Mr. *Julian.*] Were they all sober at the end of their day's work; up to what time in the evening were they all sober?—Up to half-past five o'clock; until dark.

It was at the hotel you gave them drink, and that was after that unfortunate occurrence?—It was.

Mr. *Waters.*] Did any of your troopers carry holsters?—Yes; but then they carried pistols, and they could not carry bottles in them. I don't think that they could have drink with them in any troop if they were in any way properly inspected.

The depositions of Captain Orred were then signed, and the Witness was bound over in the usual manner.

The examination of Captain Lequesne was resumed by Mr. *Julian*:

Before I ask you anything further, I will ask you

you about your men; were they sober?—They were sober.

When did you see them that morning?—Between half-past seven and eight o'clock. I turned them into the square and inspected them myself.

Did they get any drink during the day?—They did.

Were you with them the whole day from the time you inspected them?—I was.

Up to what hour?—Up to five o'clock in the evening, with the exception of about five minutes.

What were the five minutes you were absent?—I went with a message from Major Wombwell to the officer in command, Colonel Sawyer, to the Devonshire Arms Hotel, from the square where I was then.

Was Colonel Sawyer out with the troops that day?—I can't answer; I don't know; not as far as I know.

Did you leave any officer behind you with the men, after you went to the Devonshire Arms?—I did.

Whom?—Cornet Arundel.

Were the men in their saddles when you came back?—They were, and I left them in their saddles.

What drink did they get that day?—They were taken over the bridge, to a hotel or inn 200 yards to the right of it, and the men were supplied with a piece of bread, cheese, and a pint of porter. That was in my presence, and I inspected it myself.

Did you take care to see that no one got more than that?—I know no one got more.

Was that all they got?—That was all.

And they got that in your presence?—Yes, and in the presence of Major Wombwell, the commanding officer, and the serjeant-major.

They got no more, you positively swear?—They got no more.

Were they sober at the close of their day's work?—They were.

Were they, at the close of their hard day's work, sober?—They were certainly, when they went to barracks in the evening.

You were on the square in the morning?—I was.

About what hour?—About 10 o'clock.

Did you see stones thrown there?—I did.

From where?—From the square.

At whom?—At the soldiers and the voters who were approaching, and coming down the road approaching the square.

Did you see bottles as well as stones thrown?—I did not.

Was it on the square the stones were thrown?—Approaching the square, coming down the street, and going into the square.

Were you struck yourself?—I was not.

Did you see any of the men struck?—Not at that time.

Did you hear any offensive expressions used?—I did not.

There were none addressed to you?—No.

While the troops were drawn up on the square, did the officers keep moving about from place to place?—The officers were almost all moving about away from the men, about 10 or 12 yards. The officer can keep moving about from place to place; he is not so stationary as the men.

Then he cannot hear expressions, if any are used, as well as the men who are stationary?—He cannot hear as well as they do, for the officer moves about, and the men are stationary.

Did you escort voters between one and two o'clock?—I did.

Captain *J. C. Lequesne.*

11 January 1867.

Did you see any stones thrown then?—I did; as we got to the top of the bridge, I saw stones thrown.

What do you mean by that?—At the highest part of it, or the centre of it, as I was coming across.

You say you saw stones flung as you came across the highest part, or the central part, of the bridge?—I did.

What did the lancers do when they got to the bridge?—They seperated on either side.

Did you see them do it?—Yes, I did. That was the only portion of the troop that separated to either side.

What then took place?—And I, with the remainder, followed by the voters, went on.

Mr. *Waters.*] With this portion of your own troop?—No, only with half of it.

Mr. *Julian.*] Portion of the troop separated to either side when the lancers got across?—Yes; and I, with the remainder, and the voters, went on. We went on with the voters until we came to the Court-house, and until we stopped at the Imperial Hotel stables. We could go no further, as there was infantry drawn up across.

As the troops divided to either side, did you see anything done to them?—They were stoned.

Was it from one side, or from both sides?—From both sides.

Were the stones thrown in numbers, or were they very few?—In numbers, but I never checked; I walked on the whole way.

Would you say in numbers?—I should say in numbers.

Whom were the stones thrown at?—At all; voters, cavalry, and infantry.

Were the lancers, who were drawn up at the other side of the bridge, doing anything to provoke the crowd at that end?—Not when I passed.

You passed them on?—I passed them on, when they opened for me.

Were there a great many persons there?—There were.

Have you heard statements of the numbers already?—I think so; from Mr. Green and Mr. Hatchell.

Do you agree with either of them?—I am very hard at calculating numbers, but I would say from six to eight hundred.

Were these amongst the people engaged in stone-throwing?—They were all the same crowd.

Did you see whether any of the stones were larger than ordinary?—I did not; I passed on.

You did not halt at the bridge?—I might have checked for a second before I went on. After I was stopped by the cordon, and when I formed up the men, I went down the narrow street that leads down by the linney to the quay; but when I got there I was too late, because the recall had sounded, and they had formed up again.

Who was before you down there?—I know nothing about it at all.

Was Captain Orred down there?—I don't know; I was in the rear of the whole escort. I could not guess where he was, and I cannot state so.

Do you know where the major was at that time?—I could not say; the assembly was sounded when I got to the Root Market.

Did you see any crowd there?—They were coming out when I got there.

Can you speak as to what occurred before that?—I cannot; I know nothing about it.

Captain *J. C. Lequesne.*

11 January 1867.

Cross-examined by Mr. *Waters.*

What is the name of the man that struck Captain Keily?—How can I know; I was not there.

Do you know?—I do not.

Do you know his name?—I do not.

Did you hear his name?—I did not.

Did you know that there was a man killed there?—I did not.

Was there any inquiry held in the regiment about it?—There was not.

Are you not aware that two men lost their lives there?—I heard so.

Was any one of your troop put under arrest for it?—No; I heard it stated that a man was dead. I left the town of Dungarvan with my troop, and I heard within the last two or three days that two men lost their lives there.

And there was no inquiry?—There was not.

Lives having been lost here?—Yes.

Was there any sort of inquiry by the Colonel, or by any officer as to the hand that struck the blow?—There was no military inquiry made.

No inquiry at all?—None.

By an officer, or otherwise?—No.

Was there any report of these proceedings made anywhere?—I was a subordinate; I don't know. I know, as a fact, that reports are sent on on these occasions.

By whom?—By the people in command.

Who was in command?—I am usually in command of my troop.

Who should have made the report?—The officer in command of the garrison.

Were there any other reports to be made?—I presume other officers sent others.

Whose duty is it to send in reports?—I have nothing to do with it. There are reports sent in by the officers commanding the forces in Dungarvan to Colonel Sawyer, the commanding officer; but I may be anwering incorrectly.

Mr. *Julian.*] To your knowledge?—To my knowledge, no.

Mr. *Waters.*] I object to be interrupted in my cross-examination in this way.

Mr. *Julian.*] You must not ask him to give illegal answers.

Mr. *Waters.*] Do you think you require to be prompted in this way; I object to be interrupted in the very pinch of the case.

Witness.] To the best of my belief, I am giving my evidence.

Mr. *Julian.*] It is a lawyer's business to judge of what is illegal evidence; and it is a pity that a barrister of Mr. Waters' standing, should say that we are not to judge these matters.

Mr. *Waters.*] I do not want to get into collision with Mr. Julian about this; I have not been interfering with him in his cross-examination.

Mr. *Julian.*] If I did it illegally, you would.

Mr. *Waters.*] Whose duty is it to send in reports?—The officers in command.

Is it not the duty of the officer in command, of the particular officer in command of the service they are engaged in?—I believe it is the officer in command that sends for everybody.

Is there only one report sent in?—Where there are different sorts of channels, and different heads of departments, there would have to be seveaal sent in.

Was it the duty of the commander, or of Colonel Sawyer, to make reports of what took place in this proceeding?—I imagine that, as far as my knowledge goes.

You stated that when you came over to the corner down the lane, you were too late?—Yes, there was nothing going on then.

What were you too late for?—To see anything.

Did you meet men coming back?—They were forming when I got there.

Did you see the men who were formed?—I did.

How many of your troop were there?—Eleven or 12.

What are their names?—I can't say.

Do you know the names of all your troop?—I know the names of all. I can tell you some of the names of the men who separated over the bridge, but whether they went to the right or to the left I can't tell.

Did you see any of your troop formed up?—I did; Serjeant-major Harry Woolley.

That is one; tell me the name of another?—I saw —— I can't swear; I don't think I could swear to any other.

How many men are in the troop?—Thirty-five. I had 35 men with me here.

And you know all their names?—Yes.

How long are you in command of that troop?—Four years.

Tell me the name of any man that was there?—You mean for me to tell you the names of the men who separated from the troop; I can't tell you how the men separated.

Do you mean the lancers going up from the quay side?—I do.

Do you know any more?—On my oath, I cannot tell more.

Did you see any men of your troop there, beside Serjeant-major Woolley?—There were 10 or 11 who separated, and went to both sides; I do know another of them, and that is Brown.

Is Serjeant-major Woolley here?—He is.

Is he to be examined?—He is.

Do you know any others?—I can't tell any of the other men who went down there. That was the troop that had separated, but where the men went to, away from me, I can't tell.

Have you any means of knowing, or of giving the Court and the jury any information, as to the men of the troop that separated from you that day, at all?—I can tell all the men of the troop that were with me on that day, but I can't tell who separated from me.

Is Serjeant-major Woolley able to say so?—I have not spoken to him about it.

Did you speak about this transaction to him?—I did not ask him who were there.

Did you never seek to inquire?—I did not.

Did you think that two men lost their lives?—I did not know that two men had lost their lives then. It was incorrectly stated that one man had lost his life then, but that was contradicted.

Was it not your duty to make inquiry, and assist this Court in this matter?—It was not my business.

You stated that the officer is not, does not move about like the private?—I did not; but I stated that if the private be stationary, and the officer moving about, the men would have a better opportunity of hearing what was said around them.

What countrymen are your troopers?—Well, I should think they are Englishmen; Yorkshiremen principally; I may be wrong.

Could

Could you ascertain the names of the men that went down the quay that day?—How can I do it?

Can you communicate with Serjeant-major Woolley, and get the names of the men through him?—I may be able to know some of them, or to get them in that way.

Can you communicate with him?—I can, I think.

Do you think he can do it?—He may; but whether he can or not I can't say.

Were you out for voters that day?—I was; once to bring them in, and a second time to meet them and escort them in; the first occasion was coming up the square, going out about three miles at about nine o'clock in the morning, and returning at from 10 to half-past 10 o'clock.

I did not understand you to say that the party was assailed?—There were a few stones thrown at us at first, before we had Major Wombwell's troop.

Any injury done?—None reported to me.

And therefore none done?—That does not follow.

You heard Dr. Gullen state that he did not see any bruises until the Tuesday following?—Soldiers, as a rule, are more likely to hide their wounds than show them; it is a most difficult thing to get a soldier to go on the sick list.

Are you an Englishman?—Well, I am.

Have you been at English elections?—No; I have been at several Irish elections, and I have been at English elections, but never at a contested election there.

Captain Orred stated that he paid for the drink that his men got at the Devonshire Arms Hotel; was it you paid for the drink for your men?—I do not see what reference that has to do with the matter; the money was afterwards sent from Cork.

By the military authorities?—I do not see why I should tell this.

Whether the military authorities paid for it or not, it was paid for?—It was paid for a week afterwards; I paid for it.

Mr. *Julian.*] Can you say was it in shillings or coppers?—

Mr. *Waters.*] You did not pay for it at the time?—I did not.

Do you know the name of the place where it was got?—I do not.

Did you walk into the first shop and state that you came there for it?—I did not; I sent the serjeant-major; the serjeant-major was sent to the shop to see if they could supply the men, and he found that they could supply them; that was where they got the bread, cheese and beer.

Did he take an order with him?—From whom?

Did he take a written order from anybody?—He did not; if I give a message by the serjeant-major of the troop; if I give him a verbal message, I think it is as good as a written one, when brought by the serjeant-major.

Did he take anything from anybody else?—That I cannot say.

Were you present while the men got the liquor?—I was.

Now do you mean to convey to the jury that drink was got from that house simply on the verbal order given by the serjeant-major; and that it was paid for some time afterwards?—It was, on my oath; if you mean, as I think, that simply as a question as to whether the men with me paid for it, or whether I paid for it; it was I paid for it.

When first did you hear about O'Brien?—I heard that a man was knocked over that evening, but whether he was hit by a lance or not I cannot say; I heard that a man was knocked over and was sent to hospital; I could not tell when I heard he was killed.

Captain *J. C. Lequesne.*

11 January 1867.

Re-examined by Mr. *Julian.*

Does the serjeant-major, as a matter of fact, carry a lance at all?—He does not.

I forget whether it was to you or Cornet Arundel the question ought to be put, as to whether any expressions were used by the military, offensive to the people's religion?—No such question was asked from me.

Tell me, is Mr. Arundel a Roman Catholic?—He is.

About that flag; do you recollect what there was about that flag?—I do not.

A *Juror.*] You seem to know nothing, except of the faces of two men there; could you know any more of them?—They were not formed up; they were scattered; it was then their duty to come up; I saw the serjeant-major who came up to me; the men were all scattered, and these are the only two that I remember seeing there.

Did you hear that O'Brien's death was attributed to the Lancers?—I cannot swear as to what I heard; I did not; I don't know whether it was attributable to the Lancers or not.

Mr. *Waters.*] Don't you know Brown's Christian name?—Richard, I think; but don't put it down, as it is on my oath.

You can give information as to his name before the inquest terminates?—I will.

A *Juror.*] Did you draw up your troop on the square before two o'clock that day?—I imagine it must be about two o'clock we drew up again.

Well, from the place in which you were, outside these men, could the men on the inside get drink?—I had a non-commissioned officer put there not to allow any of the soldiers to get drink; they did not get leave to go away without having a non-commissioned officer with them; this was all after the occurrence took place.

During the whole day were they in any other public-house but the one?—No; about half-past 12, or one, we had them taken over to Abbeyside.

Did you say that you did not know that the death of the men was attributed to the Lancers?—I think it was; I dare say it was; but I can't swear to it one way or the other; I forget it all.

Mr. *Waters.*] The question I wanted to ask you is this: it was stated that one of the troopers lost his hat on the quay that day; now did you see any of the men without his hat?—I did not.

The depositions were then signed in the usual manner. The Coroner stated that the names of the troop under Captain Orred had been handed in, and he added them to the depositions.

Seventh Day.

Dungarvan, Monday, 14 January 1867.

Inquest on William O'Brien.

The names of the Jury having been called over,—

The *Coroner* said he held a certificate from Dr. Anthony with reference to one of the jurors, Richard Whelan, who was suffering from indigestion, and who would not be able to be present. He supposed they might dispense with that juror's attendance.

Mr. *Julian* said he would leave the matter in the Coroner's own hands.

Mr. *Waters* offered no objection.

The proceedings were then resumed with 19 jurors.

Major Adolphus Ulick Wombwell, on being sworn, was Examined by Mr. *Julian*.

Major *A. U. Wombwell.*
14 January 1867.

You are Major of the 12th Lancers?—Yes.

You were in command of the Lancers here on the day of the election?—Yes.

I believe you formed part of the escort on some of the occasions that day?—I did.

Had you brought in any voters in the morning, in the earlier part of the day?—Yes, from this side of the workhouse.

You went out to meet them?—I did.

Were you on the square in the morning with the troopers?—I was.

About what hour?—About 10 o'clock, I think.

In the morning?—Yes.

Did you see any stones thrown on the square, or any bottles?—I did not, myself; I did not.

Did you see your serjeant-major on the square, bleeding over the eye?—Not the serjeant-major.

Or the farrier-serjeant?—Yes.

What is his name?—Tillier.

About what hour was it you saw him bleeding; was it about the same hour?—Yes.

From what part of the face was he bleeding?—From the eye; I asked him how he got it.

Was it under or over the eye?—Over the eye.

Do you know what he was bleeding from?—

Mr. *Waters*.] I understood him to say that he did not see him struck, and this would be only hearsay evidence.

Mr. *Julian*.] You object to his giving it?—

Mr. *Waters*.] Of course.

Mr. *Julian*.] Very well; don't say what Tillier said. You went out with your troop twice that day?—Yes.

Did you return with them?—Yes; between one and two o'clock.

Were you in the advance guard or in the rear, in coming into town?—I was in front of all with Mr. Greene.

Did you, as you got over to the end of the bridge with Mr. Greene; could you say that there were any stones flung at your troops as you got to this end of the bridge, and were you assailed by the mob; tell what occurred as you got to this end of the bridge?—At Mr. Greene's requisition or asking, I wheeled about 16 men round to the left, a little way down the quay; I intended them to stop there; they wheeled round with me, and I intended to stop there at this end of the bridge.

The *Coroner*.] At the quay side?—Yes.

Mr. *Julian*.] He says he intended to remain there. Were you able to remain, or did you remain there?—I did not.

Why?—Because I looked round to see what the rest of the voters and troops were doing, and I saw stones in the air; and I saw the men with their lances down.

Mr. *Waters*.] At which side?—At the Shandon side.

The *Coroner*.] You looked round to see what the troops and voters were doing, and you saw stones in the air, and the men with their lances down?—Yes.

Mr. *Julian*.] What did you do then?—I left the men who were on the quay side, and I galloped over to the Shandon side.

What did you say or do when you galloped over there?—The first thing I stated was not to use the points of the lances; I said, "Now, then, none of that, in that way."

Had you on more than one occasion that day cautioned the men againt using the points of their lances?—I did it in the morning, on the square, and on Friday night.

The *Coroner*.] Was it on the same morning you cautioned them against using their lances on the square?—Yes, on that same morning, Saturday.

Mr. *Julian*.] What next occurred; do you recollect, while at that side, that you received a blow of a stone there?—I got a blow of a stone on the knuckles on that occasion.

The *Coroner*.] Was this at the bridge?—Yes.

Mr. *Julian*.] It was; were you cut?—It bled.

I believe, that although you got that blow on the knuckles, you still told your men to be forbearing?—I said to individual men, "Now, then, take care what you do." I did not speak to the entire lot of them, I could not.

Did you tell them to be forbearing?—I told them not to use their lances.

We will not go farther into that side; we have had it already; you were at that side while they were clearing the railings?—Yes.

Did anything attract your attention to the quay side?—I saw that the men had gone down that I left there.

Had

Had some of Captain Orred's troop gone from the quay side at that time?—I can't say when it was.

But you saw that some of the men you had left there had gone down?—Yes.

Had you given any directions for them to leave that spot?—No, on my oath, I did not.

The *Coroner.*] What direction were they going in?—I saw them going down the quay.

Mr. *Julian.*] Did you see, while you were engaged at the Shandon side, what was going on to the men who were standing at the quay side?—I did not.

Did you see them start at that moment?—I did not.

You saw them going down the quay?—I did.

Was your attention too much attracted at the Shandon side to see what was going on at the quay side?—It was.

What was the first thing you did on seeing the men going down the quay?—I crossed the road and went after them. The first thing I did then was to look for the trumpeter.

Did you find the trumpeter on the quay?—I went to the end of the quay, and I found the trumpeter there.

Was that near the Root Market?—Beyond it.

What did you say or do to the trumpeter?—I said, "For God's sake, sound the assembly"; these were my words.

Did he do so?—Yes, he did.

And the men who were about were called back?—Yes.

Did they come back to the call?—They came back by degrees.

Do you yourself know anything of how the parties on the quay were injured; do you know anything personally about it?—I do not.

Did you see any one injured?—I did not.

Did you, when down on the quay at any time, see any stone-throwing going on?—I did, in one place.

Were you struck yourself there?—No; but my horse was, right on the head.

From where?—From inside the wall, from the shed, the linney, I think. The stone hit my horse on the head, as I was passing.

The *Coroner.*] You say you saw stone-throwing there?—No; I did not. I only know about the stone that hit my horse on the head; I do not know of any more being thrown.

Mr. *Julian.*] Was it when when you were charging or running down looking for the bugler, you were struck; was it after or before you found him?—It was before; when I was going down, the stone struck my horse on the head from that place.

That is, as you were going down for the bugler?—Yes.

Did you, in consequence of that, require the people to go out from that shed?

Mr. *Waters.*] Ask him what he did.

Mr. *Julian.*] Did you give any directions about the people in the shed, or say anything about them yourself?—I never gave any directions to the people about it.

Did you say anything yourself?—On coming back we went inside the linney.

What did you say?—I said somebody had thrown a stone. They said they did not, and I said, "Yes, you did, for it hit my horse."

Did you say anything further?—I don't recollect saying anything further.

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You rode inside; there were about two other horses there?—Yes.

You got the men up the quay as soon as you could get them together?—Yes.

Do you know, as a matter of fact, that there were men from several troops down the quay?—There were then; I should not like to swear to it, for I did not know the men; but I recollect there were, because Captain Orred was there.

Did Captain Orred belong to the troop of which you originally held the command?—No.

But were you originally connected with it?—I was.

Do you know that any of the soldiers were attacked after that?—Only from hearsay.

Mr. *Waters.*] Now if I go into evidence of what took place after——

Mr. *Julian.*] I am only eliciting the truth.

Mr. *Waters.*] But you opened the other subject.

Mr. *Julian.*] I will ask him nothing further.

Cross-examined by Mr. *Waters.*

You say, Major Wombwell, that you left about 16 men on the quay side?—Yes.

When you turned to the other side?—Yes.

Did you leave any officer in command of them?—There was one there.

Who was he, may I ask?—Mr. Burkingham, I think.

Do you know who it was?—I think it was either Mr. Arundel or Mr. Burkingham; I can't say which.

You saw stone-throwing at the Shandon side?—Yes.

That was the first time you saw stones thrown?—The first time on that side of the bridge.

Then it would not be correct to say that stones were thrown on the centre of the bridge?—It would not.

Mr. *Julian.*] There is nothing of that kind stated. Mr. Hatchell stated that, while on the centre of the bridge, he saw stones flung at the angles across; but no one else stated what you have assumed.

Mr. *Waters.*] Let me proceed. Is it correct to say that no stones were thrown until your men were divided or separated, some to one side and some to the other?—I never saw any until then.

And were they in advance of you?—I was in the front of all.

Was it you or Mr. Greene gave the order?—It was I did; but I was ordered by him to push back the people.

It was his object to drive the people back on either side?—I intended to push them back about 20 yards on either side.

You saw the men with their lances down?—Yes.

And you spoke to individuals of them about it?—I did.

Was it contrary to orders and to discipline to have their lances down?—It was, to use them. They might do it by way of (I have seen it done at other elections) to bring them down in that way.

You say you are major of a lancer regiment, and

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and have much experience, and I ask you is it contrary to disclipine to bring their lances down; I ask you is it contrary to discipline for the men under any circumstances, to have their lances down?—I never heard an order against it.

Is it contrary to discipline?—I never had an order against it; I can give you no other answer.

Why was it then you said to them "None of that"?—Because I saw some of them rushing at the people.

You said, "Now then, none of that"; why did you say that, was it because you did not think it necessary to do so?—No; I was frightened at their hurting the people; that was how it was; I was frightened lest they should hurt the people.

There was no stone-throwing?—I saw stones in the air when I was on the quay side.

But the troopers drove back the people before that?—I cannot say; I was on the quay side.

Did you think it wrong of them to have their lances down, and rush on the people?—Stones were thrown, and I did not wonder at it.

But did you not think it wrong that they should have their lances down, and rush at the people?—I did not give it a thought whether or not.

But why did you then tell them not to do it; what did you mean by "None of that," was it to stop them?—It was to stop them from losing their temper, and sticking at anybody. It was for fear they should stick any of the people; that was why I said it.

You stated that you had cautioned them in the morning not to use the points of the lance?—I did.

Did you see them use them in the morning?—Yes, they were galloped all over the square in the morning.

With their points down?—Yes.

You say on that Saturday they did use their lances in the morning?—

Mr. *Julian.*] Unless you saw it yourself, you cannot say?—

Witness.] I saw them galloping with their lances down, but I did not see any person being hit, and I cautioned them not to repeat that.

Mr. *Waters.*] Did they do that in the morning, without any order?—I gave no order.

And you were in command?—Yes, but I was not much with them. I was close to the Devonshire Arms with Lord Hastings; I was not there at the time, but I inquired why they did it, and the answer I got was that somebody had attacked the police, and they were protecting them.

You inquired why they had their lances drawn?—I inquired why they had left the escort.

And you cautioned them not to repeat it?—Yes, and I gave no order for it.

When you turned to the quay side, you ordered the men there not to use the points of their lances?—Yes.

You turned down to see the men down at the quay side?—Yes.

How far did they go down the quay before you went after them?—I cannot tell how far the front men had gone down, for they had scattered.

About how close were you to some of them?—I may have been close to some of them.

About how close?—I was quite close to some, for one of them ran up against me, and nearly knocked me off.

Did they leave the bridge without your orders;—Yes, I gave no orders; I gave no order.

Was that a breach of discipline or not?—They had no business to leave that, without an order from somebody.

Do you mean to imply that no one should do that without your order?—No, sir, I don't.

So far as you knew, they did leave without an order?—As far as I knew they did.

You looked for a trumpeter?—Yes.

To recall them?—Yes, because they had gone away without orders. I wanted to recall them.

Did you see a man knocked down there on the quay?—I did not.

Did you notice any man lying on the quay?—I did, when I came back. I saw him lying in a man's arms.

Did you see any lances used on the quay side?—No, I did not.

Did you see a hat on the top of a lance?—I did.

Was the lance pierced through the hat?—I suppose it was, but I saw the hat.

The *Coroner.*] Was this on the quay that you saw the hat on the lance?—It was.

Mr. *Waters.*] How soon after it occurred did you know that the lance had been used on Captain Keily?—When I got back to the hotel, that was the first I heard of it.

Did you see any officer down on the quay, before you?—I did not.

We have it from Captain Orred, that he followed you down the quay?—He might have done it, but I was too excited to look.

Was there any person before you on the quay?—I won't swear that there was not.

You saw lances tried?—I did not see one.

Was there any inquiry in your regiment since that, as to who used the lances that day?—Not, that I am aware of.

When you went out in command of troops and a breach of discipline occurred, is it your duty to report it?—I should punish the man, but I might not report it.

Is it your duty to put a man under arrest for breach of discipline?—It is, if I find it out.

You saw no stones thrown on the quay, but the one that struck your horse?—I did not.

Do you say now, Major Wombwell, that you are able to tell the name of the man who used his lance on Captain Keily?—I cannot.

You took no steps to ascertain?—I took no steps to ascertain it.

Could you make inquiries, Major Wombwell, as to who did it?—I could, sir.

You have not done so?—No.

Did you make inquiries from the man on whose lance you saw the hat?—I would not know him; I don't know him; I was too much excited, I don't know a man in the whole regiment hardly.

You saw a man galloping up with a hat on the lance, and you did not put him under arrest?—I would not know him.

May I ask, is Captain Le Quesne here?—He gave his evidence the other night.

As you went down the quay, Major Wombwell, is it a fact that you seized one of your troopers by the bridle?—Yes.

For what?—To stop him if I could.

If you could?—Yes.

Was that before you found the trumpeter?—It was.

But

But the man broke away from you?—I did not catch him.

Did he stop?—No, I cannot say he did.

Did you put him under arrest?—I did not; I did not know who he was.

Did you make any inquiry as to who he was?—No.

Now, sir, did he not try to evade you, and turn his horse away from you, so that you could not catch him?—I did not notice it.

Is it not a fact that he was near putting you into the river by it?—I was near into it once.

Was it in endeavouring to stop one of the troopers?—It was galloping for that purpose.

Did you come into collision with that man at the time?—I won't say that man, but it was some man; I did come into collision with some man.

At the time?—Yes.

Was it when you were trying to stop the man from proceeding?—I was trying to stop the whole of them from going on.

I must ask you now, as an honest man, on your oath, did not your troopers break away from you; it is a painful question, but as an honest man, you will answer that?

Mr. *Julian.*] He has already said that he did not know why they went away.

Mr. *Waters.*] It is not fair to interrupt. (*To the Witness.*) Did they break away from your control?—*Witness* (*after a pause*). They did, rather, because I gave no orders.

Is that your answer, that they did?—(*After a pause.*) They did, on that occasion, because I gave no orders. (*Sensation in court.*)

Captain *Barry* stated that those interruptions were most unseemly and most improper in that Court, and ordered the constabulary to prevent their recurrence.

Mr. *Julian.*] It has occurred on several of the questions, and the answers of those witnesses.

Mr. *Waters.*] Do you know the troop to which the men belonged, to whom the 16 or 17 belonged, that you left at the other side of the quay?—I don't know the men; I don't know to what troop they were attached.

Are you able to give any assistance as to who those men were whom you saw ride down the quay?—I could not possibly do it; I don't know a man of them.

Mr. *Waters.*] I will ask you no more.

Re-examined by Mr. *Julian.*

I have one or two questions to ask you. Mr. Waters asked you if you inquired as to the name of the man who had the hat on the top of his lance; or if you put him, or the other trooper, under arrest. Which did you think, at the time, of more importance?

Mr. *Waters.*] I object to his thoughts being given: I have a right to get his thoughts, and you have not.

Mr. *Julian.*] This is a fair legal question. Which did you consider more important at the moment, to call in your men, and get them together, and prevent harm being done, or to stop and ask for the name of the man with the hat on his lance, or the other men, at the moment?—I wanted to get them in, and I did not think of any single individual. That was my object in going down there.

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The *Coroner.*] I will take it down in this way: "I thought it was more important to have the men called in, to prevent them from doing harm."

The *Witness.*] I believe I did say that, to prevent them from doing harm, but I did not know it would.

The *Coroner.*] "Than to inquire the name of any individual"?—Yes.

Mr. *Julian.*] Mr. Waters asked you if you made any inquiry as to the man there who used his lance; how many men were in Dungarvan that had lances?—There were over 100.

Mr. *Waters.*] Were they all there?—All but one troop.

Mr. *Julian.*] Do you know which of the 100 men were down on the quay?—There was one troop not on the quay at all; they were in the square; and there was Captain Fagan's troop.

How many were in that troop?—Thirty-five of them.

Do you know which of the remaining 60 or 70 were down on the quay?—No.

And making inquiries, you would have to inquire of the whole 60 or 70?—Of course.

Do you think you would have any chance of ascertaining the man now?—I don't think I would.

Mr. *Waters.*] At this moment, I will ask a question of Captain Le Quesne, which I wished to ask a moment ago. May I ask you if there is a horse—did you hear the description of a horse, of a brown horse, with spots on his chest, as if spotted with foam; is there any such horse in your regiment?

Captain *Le Quesne.*] No.

A *Juror* (*addressing* Major *Wombwell*).] Did you command the front troop coming in that day?

Major *Wombwell.*] I did.

Who told off the troop that day?—I could not tell. I was not out at the telling off of them.

Who commanded that troop coming over the bridge?—I think it was Captain Le Quesne.

We want to ascertain which party, the right or left, turned down the quay? We find we can only ascertain the number of men that went down the quay.

Major *Wombwell.*] Captain Wombwell; I cannot tell. I never told them off.

A *Juror.*] We want to individualise the persons if we can; we want to know which men went to the left or right, if we can.

Major *Wombwell.*] I never struck out a man of them.

Mr. *Waters.*] Well, Captain Le Quesne is in court, and you can ask him.

Mr. *Julian.*] Captain Le Quesne is in court, but it is usual to take one witness at a time.

The depositions of the witness were then read over and signed in the usual manner.

Mr. *Flynn* (*a Juror*).] Mr. Greene swore here that one of the men at the Shandon side told you that flesh and blood could not stand it. Could you say who was that man?—I heard one of the men say so, but I could not tell who he was; I did not pay much attention to it.

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A *Juror.*] Who gave the order to charge in the morning?—I don't know; I was in the yard of the Devonshire Arms when I saw them scatter in the rear.

Were you amongst them?—No, I was not; I was between two cars, and thinking that they were coming on me.

Were you in the charge?—I was not with them at all; I asked what in the world was the matter.

Were you with them at the charge?—

Mr. *Julian.*] The Major did not say that they charged. He says that they were galloping round the square.

Mr. *Waters.*] With their lances down?

A *Juror.*] Did you see the troopers make use of their lances that day on the square?—No.

Though you charged with them?—I did not, but I galloped on the square with them; I saw them galloping about with their lances down, but they did not use them. I went into the square to see why they had been scattered about, and I was told some of the people had attacked the police.

Lord HASTINGS, being sworn, was examined by Mr. *Julian*, and deposed:

Lord *Hastings.*

WERE you engaged in town during the last election?—I was in town.

On the polling-day?—Yes.

Did you go in with voters yourself that morning?—Yes.

About what hour?—It must have been about 11 o'clock, or somewhere about 11. I know that I left home about eight o'clock in the morning, and it must have been somewhere about 11, but I do not know exactly the time.

Were the voters accompanied by the escort?—Yes.

Did you see anything occur, as you came in, to any of the dragoons, by any of the people, as they passed along?—Yes.

Would you describe what it was?—I left the escort that was with me to come in and get a second escort, and when I got out with them to the new stone wall, and turning round by Mr. Dower's brewery we met the voters coming in; we halted them to arrange the lancers how they should come in, and at that time I was in the rear of everything; almost the last man. I heard there several shouts and whistles, and it seemed to come from a lot of people who had got up inside a small stone wall on the left hand side, and eight or nine men of them were pelting on the road beyond us. One man hit a lancer behind the ear, and the lancer turned round and hit him, and the man then ran over the side of the road, lay down, and bawled out that he was killed.

Did you say that it was the man who hit the lancer with the stone?—I did.

You say you saw him throwing the stone, and and then he got a box of the lance, and going over to lie at the other side of the road, and bellowed out?—Yes; I did not actually hear him say he was killed, but he bellowed out.

Were there more stones than one thrown there?—Certainly.

Mr. *Julian.*] That is for Mr. Connery. (*To the Witness.*) You got on into the town then?—Certainly.

Were you at the bridge in the afternoon of the day?—Yes, when the voters came in.

As the troops came across to this end of the bridge did you see anything occur?—I saw Major Wombwell come in with the voters, and I was at that time near the line of infantry who were drawn up, and I was nearly about 20 or 30 yards from that. I saw Major Wombwell's troops form into two parties immediately as they came to this side of the bridge, and then the stones began to fly.

Did you see that stones were thrown on that occasion?

Mr. *Waters.*] We had that already, at the troops; I will answer it.

Mr. *Julian.*] Had the troops done anything to the people at the time that the stones began to fly, except going towards them to clear them off? Did they do that with any unnecessary violence?—Certainly not, up to that time.

What was the conduct of the troops on that day, so far as it came under your lordship's observation?—I think they behaved with the most exemplary forbearance all through.

Did you see the large stones flung at the bridge?—I did.

Did you see any stones in particular flung at the bridge?—Yes; I saw one stone, 3 lb. or 4 lb. weight, flung, and it fell close to me; it was thown up in the air, and it came down close to me.

Were the stones larger than usual?—They were small stones, or macadamised stones.

Did you see many of the larger stones thrown about?—Afterwards I did, but I did not see any large one but the large one flung that fell close to me. It was on the right hand side, in front of the Bank, and the corner of the Shandon side. I said I saw a large number of good sized stones lying about.

Did you see any lancers struck?—Except the one, I did not.

Cross-examined by Mr. *Waters.*

Did you see any of the lancers use their lances that day?—I did not see a lancer strike a man, but I saw a stone strike a trooper; but I did not see a lance strike a man.

Is it your opinion that the trooper would be justified in killing O'Brien and Captain Keily?—I don't consider that at all a fair question.

But I do think it's a fair question.

Mr. *Julian.*] Do you know that they killed them at all?—Well, I did not see them killed, and I could not say.

Let the answer be taken down, "As I did not see them killed I could not say."

Mr. *Waters.*] Supposing them killed, was it justifiable?—I did not see what provocation was given, and could not say.

On your oath, were the troopers justified in killing O'Brien and Captain Keily?

Mr. *Julian.*] He has answered it, and I ask the answer to be taken down, "That he did not see the provocation, and he could not say whether it was or not."

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Mr. *Waters.*] You are not to answer for him, Mr. Julian.

Witness.] I said that I could not answer one way or another, for I did not see what provocation was given to the trooper.

The *Coroner.*] What place was it you saw what occurred about Connery?—At the turn down from Mr. Dower's brewery, at about five or six yards at the poor-house side; it is a new wall from the turn down to Mr. Dower's brewery.

You say you saw a man throw a stone at a lancer?—I saw him hit a lancer who was near him, on the head, and I saw the lancer in the act of making a blow, but I did not see the lancer actually strike the man.

Mr. *Julian.*] And the man immediately went to the other side of the road, and roared out that he was killed?—I did not say that he said he was killed; he roared out; the fact was that he was crying.

Now I will ask you to take that answer down, as to whether the lancer was justified in killing Captain Keily.

Witness.] I gave my own answer, that I did not know whether they were justifiable or not, as I did not see the provocation.

Mr. *Waters.*] You will take that down.

Mr. *Julian.*] He said that he did not see them killing him, and I asked to have it taken down that way: that is the original answer.

The *Coroner.*] You say that "As I did not see the lancer killing Captain Keily or O'Brien, I don't know whether they were justified or not, as I don't know under what provocation the wounds were given.

Mr. *Waters.*] You saw a trooper strike a man on the road, the trooper having been struck with a stone?—He conducted himself as he ought to have done.

Did he conduct himself with exemplary patience?—Judging from my own feelings, I should think he did.

Then is it your opinion of exemplary patience, that if a man throws a stone at a lancer, that he acts with exemplary patience if he uses a lance or a deadly weapon?—No.

If you were the captain of a lancer regiment, and that your troops are not allowed to use the point or butt of their lances without orders, and seeing this man using the butt of his lance on this man's head without orders, would you say that he acted with exemplary forbearance?—I don't think that that has anything at all to do with it; I adhere to my original answer. I think the man using the butt of his lance on this man's head was acting with extraordinary forbearance.

The depositions of the Witness were then read over, and signed in the usual manner.

Mr. *Julian.*] Did you accompany Major Wombwell that morning to the square?—I was with Major Wombwell, but I was not on the square.

Mr. *Flynn* (*a Juror*).] Were there others with that man that was throwing stones in the morning?—There were eight or ten on the road, and twenty-five or thirty people inside the small wall at the time he threw the stone.

[The Witness then retired.

Captain Robert Coote, being sworn, was Examined by Mr. *Julian*, and deposed:

Captain *R. Coote.*

Are you a Resident Magistrate?—I am, of the county Louth.

Were you on duty at the recent election in Dungarvan?—Yes, I was.

Had you gone out with an early escort that day?—No, I did not; not on Saturday.

Were you in the square in the early part of the day?—No.

Were you with the military escort that came in between one and two o'clock, or were you about the bridge at that hour?—I went out with the infantry to meet that escort; I met them at the other side of the bridge.

And came back with it?—I came back with it.

Tell us shortly what occurred?—I marched in front of the police and voters, and behind the cavalry. I saw nothing till we came across the bridge, when I saw a large number of stones flung, and the lancers went right and left, drove back the stone throwers, went on with the voters, and I saw nothing further.

Were the stones thrown before the lancers did anything to the people?—I think so; there were large numbers of stones, and they came principally from the right; but I could not say.

Did you see any of the soldiers divide to the right?—No, the only thing that I could see was that some of the soldiers were driving some of the mob back. I was behind the soldiers after they had divided.

Did you see whether any of the stones were thrown sufficiently forcible to reach the other side?—Yes, they came across to where the dragoons had been.

Had the dragoons at the quay side stones thrown at the front and rear of them?—Yes, at the right and left, I should say.

Did you see any one in particular struck?—No, I saw no one struck.

Did you see anything very particular occur at that place more than stone-throwing, or anything that you think it necessary to detail?—I had two people arrested, and they were brought before me by the police for having stones in their hands, and I ordered them to be locked up in the Bridewell.

Did you see any particularly large stones?—I cannot say I saw anything particular. They were all larger stones than the ordinary stones that were put on the road. I think they were flung from a heap that had not been completely broken.

Did you see that hat (*pointing to a hat*)?—I did see it—the hat that stands there.

Can you undertake to say, as a resident magistrate, and from what came under your observation that day, what the conduct of the troops was?—From what I saw the troops undergo on the previous day——

Mr. *Waters.*] Don't tell what you saw the previous day.

Witness.] As I did not see the troops do anything, I say the troops acted with forbearance; they were pelted afterwards in my presence, and they did nothing.

Mr. *Julian.*] At what time?—When I was escorting voters out of town; about half-past four or five o'clock.

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Cross-examined by Mr. *Waters*.

I don't understand you to say that if I struck you with a stone on Monday, that you were entitled to shoot me, or stab me on Tuesday?—No; I mentioned what took place on the previous day, because they were the same troop of lancers.

Mr. *Julian*.] But if Mr. Waters was pelted on Monday and Tuesday, would he not be at great liberty to give the fellow who did it a clink in return?—I should think so.

A *Juror*.] Did any stones come from inside the railing?—I could not say; I know some came from that side, but I could not say whether they came from the inside or not.

Mr. *Julian*.] Did you see Major Wombwell's hands cut?—No.

Mr. *Waters*.] I admit that stones were thrown, and that Major Wombwell's knuckles were cut, and I would like to know what is the use of bringing up witness after witness to prove it.

Mr. *Julian*.] It is not because you deny it, but because of the swearing of the witnesses at the beginning of the inquiry.

A *Juror* (*to the Witness*).] Had you a revolver that morning?—I had.

Were you presenting it at the people through the streets?—No.

Not at Blackpool street?—I was not up that street at all.

The *Juror*.] You had better take down that answer, that he had a revolver, but he did not point it at the people at Blackpool-street?—I did not.

Do you swear that you had it not in your hand?—I swear that I had it in my pocket.

Do you swear that you had it in your pocket?—I do.

Mr. *Julian*.] That is the result of listening to the many stories outside.

A *Juror*.] I saw it myself.

Mr. *Waters*.] It was the day before, he means; you are under a mistake.

Witness.] I did show it the day before.

The depositions of the Witness were then read over and signed in the usual form.

Sir JOHN NUGENT HUMBLE, Bart., being sworn, was Examined by Mr. *Julian*, and deposed:

Sir *J. N. Humble*, Bart.

WERE you in Dungarvan on the occasion of the recent election?—I was.

Were you in the square in the earlier part of the day?—No.

You saw nothing of what occurred there?—No.

Did you come in accompanied with an escort in the latter part of the day?—No.

Were you on the bridge at that time?—I came in after the escort.

The *Coroner*.] About what time was it?—Between one and two o'clock; I cannot exactly say the hour.

Mr. *Julian*.] How far behind them were you, Sir Nugent?—I cannot say.

Were you sufficiently close to see anything of what occurred when they came in?—No.

Did you see anything occur to the lancers or the soldiers as you came into the town?—No, nothing.

Were you on the bridge while the lancers were just at the town end of the bridge?—No, not on the bridge.

Whereabouts were you?—I was upon the causeway.

What did you see occur while you were on the causeway, at the town end?—I saw some lancers dispersing some men who were standing on the quay side of the bridge down towards the yard that was occupied by Mr. Curren, but now is in the possession of his mother.

Can you say about how many were on that part of the bridge that were dispersed?—Well, I could not.

From 100 to 500?—Well, I could not take it upon myself to say what number; they were on the quay side at the town end of the bridge, and I am a very bad judge of numbers.

Was there a large or a small number?—There seemed to be a considerable number.

Before you saw the lancers disperse the people did you see any stones flung from any side?—No; I could not say that; I mean to say that I could not see them over the town end of the bridge; I was on the causeway on the road, and the arch of the bridge was between me and the space where the people were assembled; I had not an unobstructed view of all that took place.

Will you describe what took place and what you saw?—I saw lancers going down at a moderate pace towards the quay, and the people who were there went before them, some went into the Root-market; the greater number that I saw did go into the Root-market.

Can you say did any of them line the wall at the right hand side of the quay?—I cannot say.

Did you see any of them going into the shipping?—No, the greater number went inside the Root-market; they might have gone into the shipping.

About how far down did the lancers go at that time?—I should think as far as the gate leading into what I believe to be Mrs. Curren's yard; in or about there.

What took place there?—The lancers wheeled round and returned towards the bridge.

When they so wheeled round towards the bridge did you see anything take place at the Root-market?—I did; I saw the mob rush out of the Root-market and pursue the lancers towards the bridge.

Can you say about how many lancers were at that time on the quay?—Well, not more than I have heard were estimated in court; I have heard the number estimated in court, and should say, as far as my opinion goes, about 10; I cannot take upon me to define the exact number.

Can you say whether at that time, as they wheeled round, whether the lancers were coming towards them from the opposite of the bridge?—I do not know.

Were you then at any considerable distance from the place you speak of?—Well, no; I was at a good distance.

Were you near enough to see whether any of the mob that were pursuing the soldiers were throwing stones or not?—I cannot say what they threw.

Upon that occurring did you see any of the lancers do anything when they were so pursued by the mob?—Well, yes; I saw them turn round.

And

And do what?—Charge.

Where did they charge?—Down the quay.

Did some of them continue the pursuit and distance down the quay?—Yes, two men went down nearly to the end of the quay; two of the lancers.

When the lancers wheeled round back at the crowd, where did the crowd go?—Do you mean in the charge?

Yes?—They did not remain, but they went down and turned up one of the lanes which turn up almost at right angles from the quay.

Is that lane that you speak of further down the quay than Captain Keily's house?—It is.

Then the people who had so run before the soldiers, passed Captain Keily's house in getting to the lane?—Yes, they must have passed poor Captain Keily's house.

Can you undertake to say, from the distance you were from them, whether any of them made towards Captain Keily's house or gate?—I cannot say; I do not understand the question exactly; they passed in that direction; do you wish to know whether they tried to enter it?

Yes?—I cannot say that.

Were you sufficiently long on the causeway before the lancers came in, to know whether the crowd went to Keily's house before the voters came in?—I was not on the causeway before the voters came in.

Did that charge of the lancers disperse the crowd that had followed them in the rear?—Oh, certainly; they ran before them.

Can you say anything further as to what occurred then?—No; I could not discern who was who.

Do you know anything further of what occurred at that time; were you sufficiently near to see any one injured?—I do not know; I saw a hat on a lance; I saw that.

Had you any opportunity of observing the conduct of the troopers in the earlier part of the day, and up to that time?—Well, I did not see the troops engaged at a nearer distance than what I have described; I saw them coming in with the escort in the morning, and passed them by.

Did you see them about the town during the day?—Yes, after they were in this charge.

But not before it?—No.

Can you say about how long they had been at that end of the bridge, after crossing it, before the occurrence that you have just described, or about how many of them were walking quietly down the quay?—

Mr. *Waters.*] He did not say "walking quietly."

Mr. *Julian.*] What did he say?

The *Coroner.*] At a moderate pace.

Mr. *Julian.*] Can you say about how long the lancers had been at the end of the bridge, before you so saw them walking at a moderate pace down the quay?—It was not a long time; rather a short time; but I would not swear positively as to that; I should say about 10 minutes; but I would not take upon myself to say how long it was.

Cross-examined by Mr. *Waters.*

Do you swear that the lancers were walking on at a moderate pace?—I did not say that.

Where did you stand at this time, Sir Nugent?—On the causeway.

About how many yards is that from the place where this occurred?—I cannot say.

Would you say 300 yards?—I would not take it upon myself to say 300.

Would you say 300?—No.

Would you say 200?—No.

Would you say 100?—No.

Well, would you say 20?—No.

Can you say it was more than five?—It was more than five; I would not take it upon myself to say how many yards it was that I was from it; I will not define the distance.

From five to 300 yards?—I will not define the distance.

Did you see lances used?—I saw a hat on a lance, and I suppose it must have been used to take the hat upon it.

Did you see a lance used?—Other than that, I did not.

Did you see a lance used?—I did not.

In point of fact such a thing could not have occurred?—Did I say that?

I ask you now, did it?—What is it you mean?

Was your eye on the lancers all the time?—My attention was divided from the lancers to the people, but I was very glad to see the people get up the lanes from the lancers.

Do you say that you saw the people rushing out of the Root Market?—Yes.

Do you know Paddy Daly?—I do.

Did you hear that he swore that they were turned out by the lancers?—I do not know whether they were turned out at that time or not.

Did you hear Major Wombwell swear that he turned them out?—I cannot say what he stated.

Had you a better opportunity of seeing what took place than Major Wombwell?—I could not say.

How many men did you see down the quay?—I do not know.

How many lancers?—I cannot say; I can only form an opinion from what I heard here, and from what I saw myself; I cannot swear positively, but I should say about 10; I cannot really say.

Would you be surprised to hear that there were 16?—I could not say.

Or that Captain Orred swore that 35 followed him?—I would not; I do not know the numbers that went down there.

You were glad the mob escaped the lancers?—I was very glad that they got up the lane.

Did you see the lancers turn round and charge the people?—I did.

Advisedly?—Advisedly.

With their lances down?—No; I saw the people throwing something; I could not say what they threw; I could not say whether their lances were down or not.

You do not know whether the lances were down or up?—No.

Did you see the lancers coming in contact with anybody?—No.

In your opinion, were the lancers justified in charging?—When they were followed by the mob out of the market?

Were they justified in charging?—I am not a military man, and I cannot tell; I was not near enough to see the amount of pelting they got.

Would you be surprised if you heard that Major Wombwell said there was but one stone thrown, and that struck his horse?—

Mr. *Julian.*] That is incorrect; he said he saw but one thrown.

Sir *J. N. Humble,* Bart.

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Sir *J. N. Humble*, Bart.

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Mr. *Waters.*] Well, take it with the correction; would you be surprised to hear that?—I cannot say.

Mr. *Julian.*] I must correct you, Mr. Waters; you are speaking of two different times altogether.

Mr. *Waters.*] You saw the people throwing something or other?—I did.

Major Wombwell swore to only one stone?—Yes.

Patrick Daly swore to two?—Only one.

You heard Captain Murray examined?—Yes.

Did you hear him swear that there were only two people beyond Captain Keily's house?—I do not know.

He swore he was at Captain Keily's?—*Witness.*] I do not know.

Do you undertake to swear you saw it better than he?—I do not know; I will not undertake to say anything about it.

If Captain Orred said he saw any person beyond Captain Keily's—— ?—I am not responsible for Captain Orred; I am not positive as to whether they went on.

Will you say that the military were justified?—I will not say whether they were justified or not.

You take a great interest in this investigation?—I do.

To show that the military were justified?—No.

You sent them evidence?—I heard of one man's evidence, and I told him to come.

What was the conduct of the military during the election of Dungarvan?—I was not out with them.

You seem to have seen more than any other person did?—That is your opinion?

Yes.—Well, it is not mine.

Will you say that the conduct of the military was forbearing?—I had no opportunity of judging, for I was not with the military when they were in collision; everything that I saw of the military was everything that it ought to be, as far as I had an opportunity of judging.

You saw what went on down the quay?—Not all.

You saw the mob throwing something, but did not see the lancers doing anything?—I have answered that question.

Did you see anybody lying on the ground?—No.

Did you see the man that struck Captain Keily?—No.

How many yards were you on the causeway when you saw this?—I could not say; but if you wish to have it measured, I will show you the place. I should say about the length of the court-house from the bridge; it was the length of the court-house, or a good deal more, perhaps, on the causeway, from the bridge, where I was standing when I saw all this.

You saw the troops proceed as far as the gate of Mrs. Curren's yard, and then wheel about; which Curren's yard is this?—It is Mrs. Curren's nearer to the bridge.

You used the expression, "Poor Captain Keily"?—Very likely I did.

He was a friend of yours?—Yes.

You feel great sympathy for the death of the man?—I do; it is the only thing in connection with the election that I care one pin about: he was a man I had a great respect for, and I regret his loss very much.

Will you undertake to say whether the military were justified in killing him?—My impression is that they were not; but I could not swear to what I do not know.

Mr. *Julian.*] Mr. Waters asked you whether the lances were up or down when the lancers charged down the quay, and you said you could not tell; you know the new bank; do you know the inclosed space opposite the bank; which do you think that a gentleman could see better, from the bank, whether a lance was used in the railings, or from where you say you were on the causeway?—I should say from the bank to the railings.

Well, one of Mr. Waters' witnesses swore to that?—I do not recollect it.

Whatever distance you were from the Root Market, had you a clear and uninterrupted view of what you have detailed, so as to see it clearly?—I had a clear und uninterrupted view of what I have sworn to, and what I had any doubt about I have refused to answer.

Had you and Pat Daly any conversation about the evidence he was to give here?—Not the slightest.

Mr. *Waters.*] Daly said he had.

Witness.] I do not think he did.

Mr. *Julian.*] I know he did not.

To the *Witness.*] You swear you had none; that is all I ask you, Sir Nugent?—One of the lancers turned up the lane there, at Mrs. Curren's yard.

Mr. *Waters.*] Was Captain Keily one of Mr. Talbot's voters?—He was not.

Do you know whether he supported him?—I think he did support him.

Had Captain Talbot engaged his premises?—I know that Captain Talbot's committee engaged his premises.

Was he a supporter of his, or not?—Define what you mean by a supporter; do you mean a voter?

I ask you was he one of Talbot's supporters?—Well, I think he was.

You do not say more than you think?—I do not think he came forward in any very prominent way.

The *Coroner.*] Is this what you say, "The one circumstance in connection with this election that I regret, is the death of Captain Keily?"—Yes; and I say that advisedly.

A *Juror.*] Could the "Johanna" vessel obstruct your view from where you were?—I do not think her deck was very much in my view.

Were there a great number of people on board of her?—I could not say that; possibly her own length might have obstructed my view.

[The Court here adjourned for an hour.

When

When the Coroner sat again—

EDWARD ARUNDEL, being sworn, was Examined by Mr. *Julian*, and deposed:

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YOU are a Cornet of the 12th Lancers?—Yes.

Had you been out more than once for voters on the day of the election?—Yes.

Had you gone out in the morning?—I went out in the morning about eight o'clock.

What direction did you go in?—I do not know the name of the place, but it was for Lord Hastings' voters.

Did you see anything on the road as you came in?—I saw three or four stones thrown, coming into the town.

Was that on the outskirts of the town?—Yes.

Were you in the square afterwards?—Yes.

Were any stones thrown there?—I did not see any.

Did you go out a second time for voters?—Yes; at about half-past twelve o'clock we went across the bridge.

And about half-past one were you coming back?—Yes, about half-past one.

Whose troop were you with at that time?—Captain Le Quesne's.

Was that the troop you had originally belonged to in the lancers?—I belonged to the F troop first.

And what troop was Captain Le Quesne's?—B. troop.

Are any of the men of the F troop personally known to you?—The F troop I know.

Do you know the names of the men of the B troop?—Not of them all.

On coming in that day to the bridge, you crossed over the bridge with them?—Yes.

Will you state what occurred at the bridge?—At the bridge, eight men and myself were wheeled to the left, in order to push the crowd back, as the crowd had begun to throw stones then.

How far did you push the crowd back?—We pushed the crowd back for about 15 yards.

Was that down the quay?—Yes.

In pushing the crowd back in that way down the quay, did the lancers go down the quay a bit?—Yes.

Did they wheel round then?—Yes; they wheeled back again then; they had gone about 15 yards when they returned.

Now I believe you yourself ride rather a restive horse?—He was very restive at that time.

Was he giving you some trouble?—Yes, he was, rather.

Were you trying to restrain him—Yes.

Is the horse a bad-tempered horse?—No, not a bad-tempered horse.

Did you set him on yourself, or was it the temper of the horse was making him rear?—He was hit once or twice by stones, and wanted to get away from the crowd; he was rearing, and I was trying to restrain him.

While your horse was so rearing, which were you, nearer to the bridge, or further down the quay than the men?—I was nearer to the bridge, behind the men.

While your horse was so rearing, and you were trying to restrain him, did any of Captain Orred's men come over to your side?—When I turned back all the voters had nearly come over; the stoning was worse then than ever, and some of the lancer's came over to our side; I do not know whether it was from Captain Orred's or Captain Le Quesne's troop that they came over to our side.

The number of eight was augmented?—Yes, it was to, I suppose, about 15.

When the number was so augmented by the men coming on with the voters, did anything attract your attention, occurring to the lancers; was the stone-throwing going on still?—Yes; that was the worst time of the stoning.

Did anything then attract your attention; did the lancers, or any of them leave?—One man left, and the rest followed him down the quay.

Can you undertake to say the name of any one of the men that followed that man down the quay?—Oh, no.

You do not know one of them?—No.

Can you say whether they were any of the eight who originally were with you, or those who had left the voters?—They were the original eight, and those who came from the other side; but I cannot say which it was that went away first.

When you found them going down the quay, did you go after them?—I did.

Was there great shouting and noise at that time?—Yes, there was a great deal of shouting.

Did you see any crowd as you went down the quay?—Certainly; they were all about the Root Market, and they ran down.

Mr. *Julian* (to the *Coroner*).]—Take down this: "Shortly after we came over the bridge I wheeled to the left with eight of the men; those were subsequently augmented by some coming from the other direction; while they were there they pushed the crowd back down the quay about 15 yards."

The *Witness*.] They met us after that; I could not say whether they were augmented by the eight men till after this occurred.

Mr. *Julian*.] Do you know the names of any of the eight original men, or of those six or eight that augmented them at the time?—No, I do not.

When they came over first, the stoning was worse than ever?—Yes.

Mr. *Julian* (to the *Coroner*).]—The witness says that at that time his horse was very restive from being struck by the stones, and that he was engaged in trying to quiet him, and while so engaged with his restive horse he found that some of the soldiers had gone down the quay.

Mr. *Waters*.] That is not it; he said that one man went and the others followed.

Witness.] When I looked, I saw one man in advance, and the other men following him; that was when my horse was rearing and kicking.

Mr. *Julian*.] He says he followed down after that?—Yes.

As you went down the quay, did you see any stones flung?—Yes.

From where?—They were flung from the crowd in front.

Were there any of the crowd at the space, as you

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you went down?—There was; some on the pavement, but very few.

Did you see any one in the boats?—Yes.

The rest went on before?—Yes; they went in the direction of the Linney and Keily's house.

Did you see any go on past the Linney up to the right?—Yes.

Did you see them going to Keily's house?—Yes.

Did they pass that?—Yes; they went opposite Captain Keily's door.

Were there any stones flung as you passed the Root Market?—Yes.

Were there many?—I saw five; I will swear to five, at least.

Were there any flung from the river side?—I did not see any.

Those men that had separated before you saw them, had they gone on before you, on down the quay?—Yes; I stopped myself at the Root Market, and I did not go any further.

Then, although those men had gone on before you down the quay, when you got as far as the Root Market, there was still stone throwing?—There were five stones that were thrown before I actually arrived. I was just parallel to it, and the stones were thrown in front of me.

The men had passed on?—Yes.

When you stopped up at the Root Market, were you joined by any other officers or men from behind?—Major Wombwell passed me then. He said, "Stop," and that is the reason I stopped.

So for as you know, was Cornet Burking Young near you all the time?—No; I never saw him.

After the Major passed on, were you joined by any others?—Captain Orred's troop came up then.

With about how many men?—I could not tell exactly; I should say barely 20; I did not take particular notice of them.

Were you and Captain Orred and his men in that open space about there?—I turned back to look at O'Brien, who was there on the ground. I saw him on my right as I cantered down. I turned back to look at him, and I saw him carried into a house. I went out of the way to avoid him coming down, as he was right before my horse.

The *Coroner.*] You turned, and saw him brought into a house?—No; I saw a man carrying him into a house, but I could not swear I saw them bringing him into a house.

Mr. *Julian.*] It was then that Captain Orred's troop of men came up?—Yes.

Up to that time, the other men who had gone down, had not returned?—No, I did not see them; some of them might have.

At that time the recall had been sounded?—Yes.

And those who had gone down to the quay, when they came up, were mixed up with Captain Orred's men?—Yes, they were there all mixed up together.

Did you see any further stones flying on the quay after those that you stated?—No.

Did you see Captain Orred himself on that spot then?—Yes, I saw him there.

You saw Major Wombwell there?—Yes.

Did you see Sergeant Major Wooley?—I did; I saw him there at the same time.

Did you see a hat on the ground?—Yes, I saw a hat on the ground on the quay side; on the other side of the Root Market.

Did you see any lancer do anything with it?—Yes; I saw him sticking his lance in it, and raise it up and shy it down again.

Was there a head in it?—No, there was not. I saw him riding at it, and taking it up on his lance, and fling it down. I don't know whether any other lancer rode off with the trophy.

Did you see any of the men struck at that bridge, or on the quay, or near the top of the bridge?—I could not say who it was did it, but I saw Major Wombwell struck in the hand. I looked round me, and saw him struck.

With the stones flying, stones flying thick, were you not engaged with your horse?—Yes.

Mr. *Waters.*] That is not the case, as he stated it, at that place.

Witness.] Where I was, where the stones were flying, is not in a line with the road; it is the top of the quay, and the bottom of the bridge. The stones were flying very thick at that time.

Mr. *Julian.*] From whom?—From the people who were in front of us.

Where were they?—They were on the quay side; I don't know anything about the Shandon side. The people were flinging the stones as thick as I have described. They came flying straight at us, and we facing down the quay. It was from the front the stones were coming.

Cross-examined by Mr. *Waters.*

Do you know the railings at the left hand side of the bridge?—Yes.

Do you call that the quay?—I call from the end of the railing to the quay, that is from the coal store.

You say that you pushed the people 15 yards down; don't that railing extend more than 15 yards?—We pushed them beyond that.

In the first instance?—Yes.

You pushed them down right to the quay?—Yes.

Were there a dozen of stones flung before that?—There may have been 12 stones flung before that.

Were there any stones flung before you wheeled on the people?—I could not swear that there was a stone thrown before we wheeled on the people, to push them back. We did not wheel on the people; we wheeled to the left, to push them back out of the way.

About this hat; was this hat on the quay at all?—It was not on the quay; it was in the little lane-way running down from the quay by the other side of the Court-house, and near the Root Market.

Did the men go off without any order from you?—I was not in command.

But did they go off without any order from you?—Of course they did.

Was there any other officer there in command?—Major Wombwell was.

Did you hear Major Wombwell examined?—I did.

Did you hear him say that he crossed over, to prevent the lancers from injuring the people?—Yes.

He left you there?—Yes.

Was there any other officer there at the time?—That is correct; but I was not in command.

Was there any other officer there at the time but you?—No.

Did you give the men any orders to go down the

the quay?—No; it does not matter whether I was the only one there or not. I was not in command.

Do I understand you to say that you did not know the name of any man that went down the quay?—No.

What about Serjeant Major Wooley?—He was one of the men that went down first; I recognised him at the end of it; I think he passed me with Major Wombwell, but I am not certain, and I will not swear positively,

Did you hear Captain Orred examined?—Yes, most of the time.

Captain Orred went down with his troop?—Yes.

And overtook you at the Root Market?—Yes.

Now I ask you again, where first did you see Serjeant Major Wooley on the quay?—Well, I saw him before the troops ever went down the quay at all; on the bridge.

I don't ask you that?—The first place I saw him was at the Root Market; he was standing close to me then; we were standing there.

Was he in advance of you?—He was standing close to me; I did not see him coming up; I could not say whether he was before me or not; I don't know how he came up.

When did you recognise him?—The first time I recognised him, I saw him in the lane way, inside of the Root Market. For all I know he may have been down at the end of the quay, and all around the town for all I know.

Is that the only man whose name you know who was on the quay that day?—I know another man, Brown; I saw him at the same time; these are the only two I know. They are both of the B troop; they are in Captain Le Quesne's troop.

Did they accompany you down?—None of them accompanied me down.

What did you go down the quay for?—Because they all went.

What did you go for?—What was the use of my standing there alone?

What did you go for?—I went to follow them.

To be with them?—Yes.

You knew of five stones to have been thrown from the Root Market?—Yes.

After all the men had passed on?—Yes; the men with me had pushed on ahead by that, and after that they threw them; I did not see them hit.

Did you see the man who knocked down O'Brien?—No.

How far were they from you on the quay?—They were scattered.

How far was the first in advance of the last of them?—I should say about 30 yards.

Then about 15 of them were within 30 yards of you?—Yes.

How close were you to the last of them?—I did not go behind the Root Market; I should say about 10 yards.

You were not more than 40 yards from the foremost horseman?—Yes. *E. Arundel.* 14 January 1867.

You did not see them going up to Captain Keily's door?—No.

You did not see any lances used there?—No; nothing except those stones; no, I did not see a blow struck.

Did you see any stones thrown?—I did; and I saw a lancer run a man with his lance, but did not hit him.

Did you see a man hit with a blow of a lance outside the Court-house?—No.

Did you see a lance used that day?—I saw the butt ends used in the square; I saw a man make a prod with a butt end; I saw two prods made; I saw one going into the square from the "Devonshire Arms" on the left, about the middle of the street, walk upon the pavement, and I saw him strike a blow, but I don't know whether he hit him or not.

But was any blow struck in the square?—No.

When you stated that some of the crowd were in the boats, and more on the other side of the quay, and some that had passed the Linney, I asked you were the crowd running away from the troops?—Certainly, they were.

Were they running for shelter?—Yes.

And the troops were pursuing them?—Yes.

And those people who were running away, were flinging stones at the troops?—There is no doubt that they had been, but at the time they were running away, they were; they were then making off with themselves, and getting into safety from the lancers.

Where did Major Wombwell pass you?—Just opposite to the Root Market.

Now do you think he had as good an opportunity of seeing stones thrown as you?—I dare say he had.

Mr. *Waters.*] That's all I have to ask you.

(The depositions of the Witness were then read over, and signed in the usual form.)

Mr. *Waters.*] You did not see any stones thrown on the quay after those you have mentioned as having been thrown at the Linney?—I did not.

Mr. *Julian.*] If you wish I will examine Cornet Burking Young, who was there also.

Mr. *Waters.*] No; I don't want you to examine him.

Mr. *Julian.*] He tells me that he really does not know anything about it, as he was at the other side. I tender him for examination, least you should refer to his non-production.

Mr. *Waters.*] If you don't examine him, I will say nothing about it.

Mr. *Julian.*] Very well.

Serjeant Major HARVEY WOOLEY, on being sworn, was Examined by Mr. *Julian*, and deposed:

ARE you a Serjeant Major of the 12th Lancers?—Yes. Serjeant Major *H. Wooley.*

Do you recollect the day of the election?—I do.

Were you on the square that morning?—Yes.

Did you see any missiles flung there that day?—I did.

What were they?—I saw stones flung; I saw a bottle coming out of the window from a house at the corner.

The *Coroner.*] A bottle coming out of the window of a house?—Yes, sir; it was not a whole bottle, but it was the portion of a bottle.

Mr. *Julian.*] I believe that you, as serjeant major,

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major, carry a sword?—Yes; all the men carry swords.

Do you carry a lance?—I don't.

Did you see any of the men struck with stones that morning on the square?—No.

Could you say in what quantity you saw the stones thrown?—At the time that I came in with voters, I was in the rear, and they were flying pretty thick.

That was in the square?—Yes, it was in the square.

About what hour was that?—I think about nine o'clock; I am not certain, for I was not attending to the time, but I should think it was about nine o'clock.

Before you all arrived in the town, was there any incident that attracted your attention just outside?—Yes.

What was it?—As we went into the town, just after passing the poor-house, they began throwing stones at us out of the houses, and I noticed them picking stones off the top of a small wall. I should judge that it was opposite the poor-house, but I am not certain of it.

As you came nearer towards the town, did you see any one particular man fling a stone?—I did.

State what you saw?—There was a man to my left rear, and I saw him throw a stone, and immediately afterwards he ran to my right rear, and I heard a man saying that "they are throwing stones at us," and on looking round, I saw a man lying on his hands and knees, and shouting out that he was dead or murdered, or something of that sort.

The *Coroner.*] You say, "It was on my left rear I saw him throwing the stone, and he then went to my right rear?"—One of my men had drawn my attention to him, and he said, "They are throwing stones out of those houses on the left;" and I saw stones coming out of the house. He went right for the door, but it was closed at once.

Mr. *Julian.*] Can you say whether the stone that that man threw hit any lancer?—I cannot.

Did you see any man go out of the ranks after him?—Yes.

When you next looked at the man, was the man lying on his knees and hands, and crying out that he was killed; and was that in the same direction that you saw the fellow run?—Exactly; it did not occupy 20 yards, the whole distance.

Mr. *Julian.*] He says that after the man threw the stone, he saw a lancer going out of the ranks after him?—Yes.

Your attention was then called away by that observation of this man to you, about them throwing the stones out of the house?—Yes.

While you were on the square, after bringing in those voters at that time, did you hear the crowd use any observations of an offensive character to you and to your men?—

Mr. *Waters.*] I object to hear any observations of the crowd on the square.

Mr. *Julian.*] It has been asked over and over again. (To the *Witness.*)—Did you hear any observations of that description from the crowd?—I did.

What were they?—"We want no bloody Englishmen here; down with the lancers?"

Anything about your flag?—No; but I heard them calling out, "They are all bloody Orangemen."

You wore orange stripes down the sides of your trousers, and on your collars?—Yes, more especially in full dress.

Mr. *Waters.*] Do you call that orange?—It is, when it is cleaned.

Mr. *Julian.*] Was there any reference made to the flag or uniform?—Yes; I could not swear distinctly to the words; I won't swear to them. They were continued during the day, more or less.

Was that before or after the stone throwing?—During the stone throwing; it was after we came in with the first lot of voters, and before we went out to meet the others coming in. We were in the square when the others were coming in.

You went out for a second lot of voters?—Yes, I did.

Where were you placed?—I was in the rear of the leading front, and immediately in front of the voters. I was in Captain Le Quesne's troop.

What took place when you came over the bridge?—When I came over the bridge, I heard an order given, but I could not state by whom: "Keep the people back on the right and left, so as to allow the voters to pass through." A portion of the troop which I belonged to wheeled our horses, and wheeled our horses down to the end of the railings. We walked down as far as the end of the railings on the quay side, that the people were then close to.

Did you go on down beyond the railings?—It might be five or ten yards beyond it, but I know that we passed the railings. I did not take particular observation about it. I have reason to know it.

So the people moved back, as you moved on?—Yes.

After you did get down a bit, did you make any movement back?—We turned to rejoin the main body.

Did you go up, back any little distance?—Nearly back to the end of the bridge. Then we got mingled together, and I think there were some men of the D troop then mixed with my troop, which is the B troop, or Captain Le Quesne's. I should think that we got mingled together.

Were there any of the H troop there?—Yes.

Whose troop is that?—Captain Stephenson's. They were joined with the other two troops. There was part of the H troop there. There was a mixture of troops there that day. We had some of the H troop with ourselves.

After you did so return a bit up the quay, and while you were so mingled with the other troops, did anything take place?—There was a very strong attack with stones, with a quantity of stones there, and from all quarters on the quay; and while I was dodging the stones myself, I, in looking over my shoulder, saw that some of the men were going down the quay, and then that a lot more followed them.

Mr. *Julian.*] While he was dodging the stones, he observed some of the men going down the quay.

Witness.] Yes.

Mr. *Julian.*] What happened the people that were behind on the quay; what did they do, as the lancers turned to go down the quay?—They continued to pelt stones, as they were doing before.

Did

Did any of them go down before the lancers, and what did they do?—They were pelting up, straight up the quay at the face of the men, as they were coming down, and as I was coming down the quay, there were several stones which came from the left-hand side of the quay, from the water, at me and the other man who rode with me.

How do you know who were the men who rode down the quay before you?—I did not know a man who rode first down the quay.

Or what troop they belonged to?—Nor what troop they belonged to.

Before some of you, before some men had so gone down, how many of you were there at the upper end of the quay, after being joined by the F troop?—Before I saw them coming down the quay, there must have been 30 or 40 of us. They got together, for the F troop and the rear guard had all come on. As to the numbers, I gave you them from what I imagine, from what I saw.

You saw them go down?—Yes; I am speaking of the left-hand side, as I came down when I saw all there, after they saw that they had again returned, and had come parallel with the bridge. Then there were 30 or 40 there. Then it was I noticed some of the lancers were going down the quay.

That was before you noticed them going down the quay?—It was in the upper end of the quay, in the space there.

When you saw those men proceeding down the quay, you were there when they were driving off the crowd before them?—Yes.

Was there many of them?—Yes, there was a great many in front of them. They were opening out, and I saw some stones coming at them as they came down, not more than half-a-dozen. Some of the people went before them, and some of them opened out on each side.

A few to the side wall, and some to the waterside, and the rest before?—Yes.

Can you say as a fact whether people can throw stones as well when they are running away as when they are standing?—Well, they could not be as good shots. They were running away before we moved after them; they did not go quite so fast as when we moved after them.

Do you know the little shed down there?—Yes, there were people there.

You could see people going on board the boats?—Yes; a rush was made to the left and right, but I could not tell whether they went on board the boats or not, but there were people on board the boats.

Were there any stones thrown from the boats?—There were stones thrown from the left side of the quay, from the waterside as we went down.

Can you say whether or not they came from the boats?—I could not say; I would not like to swear.

Did any of the crowd proceed over within the Root Market?—Or shed, you mean.

Yes; did any of them go within the shed?—Yes; and they went about 10 yards off, round the corner, off the road there.

How far did you go yourself?—I went no further than the furtherest part of the little wall that surrounds the Root Market; I went no farther than the little wall round to the right.

Do you know who the men were who went down the quay?—I don't; they were going when I first saw them.

How long were you there before you were joined by anybody?—The first person I saw was my captain, and then there was Serjeant Aitcheson of the F troop.

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You first saw Serjeant Aitcheson, and then you saw Captain Le Quesne, the captain of your troop?—Yes.

Did you see the major there?—I did.

Did you hear the "assemble" sounded?—I did.

At the time the "assemble" had sounded, how many of the men had gone down the quay?—There were a good many down then.

How many were there?—There were 20 or 30 round about.

They were all assembled together there?—The recall was sounded, and I went up the quay again, falling in the men as they were coming up.

I forgot to ask you, were there any stones thrown from the Root Market?—I saw three or four thrown from that direction, as I was coming out of it.

Did you see any stones thrown from any other place there?—No.

You returned up the quay then?—No.

There were no stones thrown then?—There were one or two then.

Mr. *Waters* (to the *Coroner*).] Take down that he says that there were no other stones thrown down there while he was in the Root Market, except those.

Mr. *Julian.*] Had the men who had gone furthermost down, gone far down?—I do not know whether they had gone far or not, for when I came down they were straggling about the Root Market.

Do you know anything about what stones were thrown at the first men who went down the quay?—No; I saw they came pretty thick in front of me; there may have been a dozen.

Cross-examined by Mr. *Waters.*

Who is your captain?—Captain Le Quesne.

Is Cornet Arundel in your troop?—Yes.

Were you one of the men who were wheeled to the left after coming over the bridge?—Yes.

What are the names of the others?—I could not tell you.

Do you know the names of the men of your troop?—I do.

You do not know the names of the eight?—No.

On your oath?—I am on my oath.

How many men are there under your command?—I have no men under my command.

Do you know the men of your troop?—I do.

How long are you in it?—Two years and a-half.

What were the names of the men of your troop who were wheeled to the left with you?—I don't know.

Do you know the names of the men of your troop who were wheeled to the left on passing the bridge with you?—I have sworn I do not know.

Did you see any man there?—I saw Richard Brown.

On your oath, did you know any others than Brown?—Yes, there was Private Richard Sharmon.

How many were wheeled to the left on passing the bridge?—I should say there was a section of eight.

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Do you say they wheeled before you?—Yes, they wheeled before me on to the left.

Do you know only these two men of the eight?—I don't know that these two men were of the eight; I do not know that they were of the eight.

If your cornet swore there were eight, would you believe it?—Well, I would believe it, as I would believe any gentleman's word.

Were you with them?—I was not; I was about two yards in the rear of them.

Do you swear you do not know any of the names of the eight men?—I have sworn it.

You did not ride further than the Linney?—No.

Where did you see Major Wombwell first down there?—I saw him at the Root Market.

Did he overtake you?—I was at the rear of him at the time I saw him.

You were one of the eight men?—You forget we had all returned back.

You say you were joined after you first returned by men of the H and F troop?—Yes; then we were joined by them.

Were the people flying from the troops?—As they went along they were running away.

What were the troops doing?—They were galloping down the quay.

Were they trying to catch the people?—No, they could have easily done that if they wished.

Were the people trying to escape from them?—They were necessarily trying to keep the people from picking up stones. They could have easily caught them if they wished.

Where did you see Serjeant Aitcheson first?—At the Root Market.

Before you?—Well, I saw him with me.

What is his Christian name?—I don't know, he belongs to another troop; he belongs to Captain Orred's troop; I think his name is William.

Who stabbed Captain Keily?—I don't know.

You never heard?—No, never.

Where were you billeted?—At the brewery; at Mr. Dowers, I think his name is.

Do you know the men who were billeted at Abbeyside?—They belonged to my own troop and the H troop.

To your own troop?—Yes; Parsons, M'Kenna, Raikes, Freeman, Jervois, and Pattington.

How many were billeted along with you?—Ten.

What are the names of them, can you tell?—Yes.

When you were going in in the morning, you saw this man throwing stones, and falling down, and bawling out that he was murdered?—I saw a man doing so.

Did you see a man going down after him?—I did.

Did you see the troopers use their lances, or striking him on the head with them?—I did not.

Did you see any man using the lance with him?—No.

If a man threw a stone at you, would you be justified in using your lance?——

Do you read the newspapers every day?—I do not read the newspapers every day.

Did you tell Mr. Julian about this?—I told Mr. Julian I saw a man calling out that he was murdered, and falling down.

Did you read that in the newspapers?—I did.

Did you tell him anything about it until you read it?—I did not.

Did you see any person stabbed that day?—I did not.

Did you see a statement that about 20 people were stabbed in Dungarvan?—No.

Did you know that there was any one stabbed in Dungarvan?—No, except from the public press, I did not.

Did you see the lances used that day?—Yes, I saw the butts of the lances used to keep back the crowds, and it was very necessary to do so; it was very necessary from the number of shillelahs that were flourishing over the heads of four or five policemen who were trying to take a prisoner; we tried to save them, and we did save them.

You heard expressions used about the people; now tell me, did you hear any person calling out to ride down the "daum devils"?—No.

Or to ride down the "daum papists"?—No, I never heard that expression.

Or the "bloody Irish," or, as you would say, "Hirish"?—I don't speak my English in that way.

Where do you come from?—Peterborough. I should be very sorry to use that myself.

Did you see a flag out of the houses?—I did not see a flag out of the houses in Dungarvan; I heard that there was one, but did not see it.

Did you see the lances used on the square that morning?—I did; I saw the butts used to clear the fellows away who were trying to knock the policemen down.

Did you see a man chased round the pump?—Where is the pump? I did not see a man chased round the pump, or any man chased round any place.

Did you see the troopers ride up to push on after the people?—I saw them riding after the people.

You would consider your regiment disgraced if one of your men rode up to a house and stabbed a man inside the door?—I don't think that did occur.

Did you see Captain Keily stabbed at his own door?—I do not know him; I did not know where his house was.

Would it not be a very scandalous thing if he were stabbed at his own door by a trooper?—I should say it would be a very scandalous thing if a man of my corps attempted to stab Captain Keily first on the neck, and missing that, then dart at his breast at his own door.

Do you know the name of the trooper who did it?—No, I should be glad to give the names if I knew them.

How long were you riding with them?—From half-past seven in the morning till evening.

How long were you with them before riding down the quay?—I am unable to swear to anything that occurred there.

Who did you see there?—I saw Shannon behind me and Browne before me, as I came to the Root Market; these are the only two men I saw; Aitcheson also.

Did you see O'Brien lying on the ground?—I did.

Who knocked him down?—I don't know; I did not see him knocked down; I left him on my right as I passed down; he was lying there when I came up.

How many men were before you?—There may have been a dozen.

Do you know any man who rides a dark brown horse with spots on his breast?—I do not recollect

lect seeing such a horse in the regiment; there is a brown horse, but without any spots on him.

Who rides that horse?—A man in Captain Frazer's troop, the H troop.

Do you know any man with foxy hair, who might ride a dark brown horse?—Foxy hair! Why I am rather inclined to be foxy myself.

Do you know such a man?—There is a man with red hair and whiskers, who rides a raw-boned sort of horse, rather a rum-looking fellow himself; you would know him again if you had once met him; Mahony is his name.

Re-examined by Mr. *Julian*.

How many of you were about the spot when you saw Aitcheson, Browne, and Shannon there?—There must have been at least 20; Captain Le Quesne was there at the time; I will ask to explain that, Aitcheson was to this side of the right; I saw Captain Le Quesne, Shannon, and Browne; when I turned round there were about 20 men in the Root Market; Captain Le Quesne was along with the rest; I rather think that he was between Browne and Shannon.

Mr. *Waters*.] Browne and Shannon are both of your troop?—Yes.

Mr. *Julian*.] Were there other men there amongst these 20, that were not at all of your troop?—I should say there must have been; Serjeant Aitcheson is not of my troop.

Now I ask you, when you went on duty that day, and that you saw them divided, did you take the names of the men?—I never did such a thing in my life; I have got a particular number of men, and I see that they do their duty.

You did not ascertain the names of the men you had with you?—All I know is that I had these eight men with me.

You do not know the exact number of them; your officer said so?—Let it be so; I take his word.

Are you quite positive you did not go down the quay?—Yes, I am quite positive; I could not say whether any of the eight men who were with me went down the quay.

Now you were asked what you called out that day about the people, that they were damn papists; is not one of your officers what is called a papist?—One of the two officers commanding the troop in which I served that day is a Roman Catholic.

Mr. *Waters*.] And therefore O'Brien and Keily were not killed?—

Mr. *Julian*.] Is that right?—No, but the inference is that they would not offend their own officer by denouncing his religion in improper terms; that is the inference.

Mr. *Waters*.] Very well.

Mr. *Julian*.] You say you saw the butts of the lances used to protect the policemen; these were scuffling there, and a policeman was amongst them with a number of shillelaghs over his head, and we drove the crowd away and saved him, I hope.

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Mr. *Julian*.] Mr. Waters asked you if you heard that 20 were stabbed that day, would you be surprised if not one of the 20 were not on the table?—I would be very much surprised to hear it.

Mr. *Waters*.] Are you very gratified to hear it?—I am very sorry to hear it.

Would you be surprised to hear that two of them are in their graves?—I am very sorry for it.

A *Juror*.] Three of them now.

Mr. *Julian*.] It is not the fact, for one of the men with respect to whom we are holding the inquest was not stabbed with a lance.

(The depositions of the Witness were then signed in the usual manner.)

A *Juror*.] Did you see any drink given to your men in the square that day?—No.

Another *Juror*.] Could they have got any without your knowledge?—No, because every man who got leave to leave the ranks was accompanied by a non-commissioned officer.

Another *Juror*.] Was the charge the lancers made to serve the policemen?—I should not say that they charged, but they cantered round the square to save themselves from the stones; the two affairs are different.

Did you see any of them use their lances that day?—They cleared the people off the square. I saw them use the butts of their lances, but decidedly they did not use the points of their lances.

Did you hear an order to charge?—I heard no order to charge. I was in the rear of the troop going in.

Did you see the stones thrown that day?—Yes, and felt the effect of them, too.

Sergeant Major Henry Bromley, on being sworn, was Examined by Mr. *Julian*:

You are Sergeant Major of the 12th Lancers?—Yes.

To what troop do you belong?—The H troop, Captain Stevenson's troop.

Were you in the square on that morning?—I was.

Did you see missiles thrown there?—Yes.

What?—Stones.

Did you see anything else thrown?—No.

Were any offensive expressions used?—There were; "To h—ll with the Tories," that was the first expression; "To h—ll with the horse soldiers, we don't want them here."

Any remarks about the flag?—I believe there was, but I could not tell; there were remarks as to the colour of the lace binding, and as to the colour of the flag on the lance.

Were you with the first escort, or with the second?—I was with the second; I was not out in the morning.

Did you see any one struck in the morning?—I saw scuffling with the police, and we had to gallop troopers in front, in order to rescue some of the police. I saw some of the leading troop coming to the rescue. I was with the rear guard of the entire body of voters when we were coming in the second time.

As you were coming over the bridge, were there some of the lancers who went before you on the other side of the bridge?—There was an advanced guard.

Did you see anything done to the advanced guard?—I could not distinctly see.

Can you state what you yourself did see?—He

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He got stones from the right-hand side of the bridge, from inside the railings there.

A great number?—Yes.

Did you see that take place yourself?—I did, the stoning going on; I then turned to the right, to the railings, and some of the other men turned also. I continued at the railings about two minutes, just round the right of the bridge; I then turned to the left.

Were you one of the men who augmented the first lot that were told off for the left?—I joined them on the left, afterwards.

Did many more join with you?—Yes, I should say about twelve. The men, I think, met the party that went down on duty on the quay side, coming back. They were returning, and the assembly had sounded. I had been on the Shandon side; I had been there while the pelting was carried on; and when the others went over to the other side, I went with them. I went down the quay some very short distance, and I met a party of our men there, and joined them.

How many did you meet of them?—About 30 or 40.

Did you go as far as the Root Market?—I went up to the angle of it.

Did you see any stones thrown?—I saw some stones thrown from the railings side, but I had not sufficient time to observe much about it.

Did you get any one yourself?—I did, but not on the quay.

Where did you get it?—I got it afterwards.

Do you say that day, or did you get this since?—That day, but I can't tell from whom.

Mr. *Waters* objected to the evidence.

Witness.] I was promised it.

Mr. *Waters.*] In fair play, you ought not to state anything about it.

Mr. *Julian.*] This is an attack on a man who is wounded seriously, and will show the *animus* against the military.

Mr. *Waters.*] Well, go on.

Mr. *Julian.*] Were you promised it?—Yes, in the morning. It was when we were coming with the voters. I saw a man throwing stones at the right-hand side, the Shandon side; I told him to desist; I could not go over to him. He said, "I will have it in for you, you b—g—r, before you leave town." I got it that night, before dark, about Abbeyside. I was struck on the head with a stone.

Mr. *Waters.*] What is all this about? We have heard all this in the killed and wounded.

Mr. *Julian.*] You got it on that very day, in town?—Yes, we could scarcely call it night; the stones were flying very thick at the Shandon side of the bridge, when I tried to stop him. I could not say how many there were struck, but I heard the men say, "I am struck, Serjeant," when one man was struck; and that was a common remark.

Cross-examined by Mr. *Waters.*

You did not go down the quay until you heard the recall or assembly sounded?—No; I was on duty on the other side, on the Shandon side of the town.

(The depositions of the Witness were then read and signed in the usual manner.)

A Juror.] Was there any skirmish at your lodging that night?—There was not.

Another *Juror.*] I am the proprietor of the house, and there was nothing of the kind occurred. I know that witness; he is as proper a man as ever came to the house.

Mr. *Julian.*] I am about to ask the serjeant major whether any of his men got drink; was there any drink given to the men that morning?—There was not; but in the afternoon there was a pint of porter given to each man, and that was after the occurrence.

Corporal WILLIAM JORDAN, on being sworn, was Examined by Mr. *Julian*:

Corporal *W. Jordan.*

YOU belong to the 12th Lancers?—I do.

What troop do you belong to?—The H troop, attached to B troop.

Who is captain of the B troop?—Captain Le Quesne.

Were you in the square in the morning?—I was.

Did you see anything thrown at the soldiers there?—Yes; a glass bottle, that struck no one that I saw. It fell at my horse's feet, but struck no one.

Did you see Farrier Tillier there?—I did not.

Did you point out the house that the bottle came out of to anyone?—I did not.

Was there anything else thrown out of the house?—Not out of it at that moment. I saw stones thrown, and the bottle I saw thrown hit no one, but it fell at my horse's feet.

You heard Serjeant Major Woolley and Serjeant Major Bromley examined; did you hear any of the expressions they deposed to used?—I heard something similar.

Were you at the bridge between one and two o'clock?—I was.

Did you come in with Captain Le Quesne?—I did.

Were you there when the lock of the gate of the railing was broken?—I was.

Did you see it broken?—I did; a man of the B troop broke it.

How did he break it?—From what I could see, it was the butt of the lance; it was with the butt of the lance he broke it.

Up to the time he broke it, what took place?—There was continual throwing of stones. Some of us got in then, and I went to a magistrate and called his attention to what was going on; and some of our fellows got in.

Were you struck yourself?—I was struck on the left thigh.

Did you see others struck as well as yourself?—I did not; I cannot say I did.

What else took place?—A body of police came up, and went over the wall and through the railing.

Did any of the men divide from left to right?—I saw some of them going down the quay, and some to the left.

Can you say to what troop or troops the men belonged, that went down the quay?—I can't.

Did you see them of more than one troop going down the left side?—I can't say that; I was in the leading troop.

Did

Did you see anyone put stones in his pocket on that day?—I did. I saw him filling his pockets with stones, and I called the attention of Captain Le Quesne to it. He got the stones from off the market square.

About what hour was that?—About 12 o'clock.

Did you see any stones fly in the square before or after that?—I did, before it; but I did not afterwards, when I came in with the first lot of voters.

At that bridge, did you go down the quay side?—I never left the Shandon side. I cannot say how many men went down the quay.

Do you know who killed Captain Keily?—Certainly not.

Did you ever hear it in the regiment?—I never did.

Did you hear any talk about it?—I never heard any talk about it.

There was no more talk about it?—No; there was not.

No more than if he were a dog that was killed?—I don't know about that. I should not compare a man with a dog.

But there was no talk about it?—No.

No more than, I repeat, if a dog was killed?

(The depositions of the Witness were then read and signed in the usual manner.)

Mr. *Julian.*] Is Sir Nugent Humble here?

Sir *Nugent Humble.*] I am.

Mr. *Julian.*] Was there any gentleman standing with you on the causeway when you were standing there?

Sir *Nugent Humble.*] There was. Yes; there was a Mr. De Valmer.

Mr. *Julian.*] He has been telegraphed for, and there is a telegram in reply, stating that he is coming on.

A *Juror* said there was no evidence given of the cause of William O'Brien's death.

Mr. *Julian* said there had not been more important evidence given than that given on that day.

A *Juror* said there was nothing further to show how O'Brien came by his death.

Mr. *Julian.*] With the exception of the two last witnesses, the most important evidence as to what took place on the quay has been given.

Corporal *W. Jordan.*

14 January 1867.

A *Juror.*] Are you going to bring forward any more witnesses?

Mr. *Julian.*] Not this evening.

A *Juror.*] How many will you bring forward to-morrow?

Mr. *Julian.*] I can't tell.

A *Juror.*] Well, the jury should be taken into consideration; the inquiry is too prolonged.

Mr. *Julian.*] If you could have got away the second day, you would have done so, if it had lain with yourself.

Another *Juror.*] We have come day after day up to this time, hearing evidence with great patience.

Mr. *Julian.*] Some of you have heard it with great patience, but the public will see the way that others have received it.

A *Juror.*] Some of them think you cannot throw any additional light on it, on either side.

Mr. *Julian.*] I did not examine these witnesses beforehand; I did not examine more than one out of a half dozen of the names supplied to me; I have no time, and I don't want to waste yours; I don't know but you may get some more important evidence before you go away.

A *Juror.*] Will you terminate this by to-morrow evening.

Mr. *Julian.*] I will try to finish to-morrow evening.

Mr. *Waters.*] If you like to finish by two o'clock to-morrow, I will finish to-morrow night.

A *Juror.*] We will have a fair on Wednesday, and we cannot attend on that day.

The *Coroner.*] Will you, Mr. Julian, promise to finish to-morrow.

Mr. *Julian.*] I will if I can.

The Court then adjourned until ten o'clock the following morning.

Eighth Day.

Dungarvan, 15th January 1867.

The Inquest on William O'Brien.

The Inquiry was resumed at 20 minutes to 12 o'clock this morning.

Serjeant Isaac Aitcheson, being sworn, was Examined by Mr. *Spratt*, as follows:

You belong to the 12th Lancers?—Yes.

You are a serjeant?—Yes.

What troop do you belong to?—F troop.

Were you here on duty on the 29th of last month?—Yes.

Were you on the square on that day?—Yes, sir.

Did you see many people there at the time?—Yes, a good many.

What hour of the day was that?—About nine o'clock.

Did you hear any observations or offensive expressions made use of?—Yes; a good deal of hooting and yelling, and "Down with the Orange buggers."

Hooting and yelling?—Yes.

Did you see any stones thrown?—Yes.

On the square?—Yes.

Serjeant *I. Aitcheson.*

15 January 1867.

Serjeant *I. Aitcheson.*

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How many?—A good many.

Did you see any of your men struck?—No, sir.

Were you struck yourself?—Not in the square, sir.

I believe you formed part of the men that went to escort the voters?—Yes.

What hour was that?—About two o'clock.

Did you see any stones thrown at that time?—Yes, sir; a good many.

Where did you first see those stones thrown?—Just coming across the bridge.

Were you on the bridge or at the other side of the bridge?—Coming across the bridge.

At the time you saw the stones thrown, were the lancers divided into two divisions?—No.

It was previous to that?—Yes.

How far were you on the bridge when you saw the stones thrown?—Just entering on the bridge.

The *Coroner.*] Which end?—The end furthest from the town.

Mr. *Spratt.*] Did you see many stones thrown?—Yes.

Of what size were they?—Some of them were of three or four pounds weight; one struck me on the back about that size; I cannot say if I saw any other man struck, for I was watching myself.

Were you on the quay after you came over the bridge at that time?—I was.

Did you see any stones flung on the quay by the people there?—Yes.

Were there many?—Yes, a good many.

I believe there were some vessels and boats along the quay?—Yes, sir.

Did you see any people in them?—Yes, sir.

Did you see those people doing anything?—Yes; one of them hit me out of a boat.

With what?—With a stone.

How far down the quay did you go?—Down to the sheds.

I believe you were with Captain Orred?—Yes.

Did you go to the angle of the shed, and past it?—No, sir.

Did you see any people there?—Yes.

Did you see any of those people doing anything?—They were throwing stones out of it.

Were there many stones thrown there?—They came pretty thick.

At what time did they throw those stones; were any of your men passing at the time, or were you passing yourself?—It was just as I came up to the sheds they were throwing the stones; up the quay it was.

Did you hear any shouting there?—Yes.

Cross-examined by Mr. *Waters.*

What troop were you attached to that day?—I was not attached to any troop.

With what captain were you?—Captain Orred.

Were you one of the men that were wheeled to the left at this side of the bridge?—Yes.

By whom?—By Captain Orred.

Were you under Cornet Arundel?—No.

How many men were with you?—About 30.

As you came over the bridge, were you in the rear or in the van?—In the rear.

Well, then, were you one of the men that were placed by Major Wombwell at the left-hand side to drive back the people?—No.

You did not go down till you went with Captain Orred?—No.

Did you see O'Brien lying on the quay?—I saw him there.

Was he knocked down before you came there?—Yes.

Did you see any of the men returning that were further down the quay than you were?—No.

You did not see any of them?—No.

Did you hear any assembly-call?—No.

You heard no assembly-call?—No, I heard no assembly-call.

What men did you see on the quay?—I saw the first troop.

Did you see any lancers on the quay, except those with you?—The only one I saw was Serjeant Major Woolley, and a private of the name of Browne.

Do you know any of the others except those two?—Not to my knowledge.

Did you see Major Wombwell on the quay?—I did.

Was he before you or after you?—I cannot say whether he was before or after, or more than that it was at the shed that I saw him.

A *Juror.*] How many men accompanied you?—Part of a troop.

How many?—I could not say.

Were there many?—I could not say; I do not know how many constitute a troop.

Mr. *Waters.*] You saw stones thrown out of the shed.

How far was the advanced of your party from the foremost party?—I could not say; I could not say to six or a dozen or 20 yards.

Could the stones thrown out of the shed reach the foremost party?—They reached us.

Did I understand you to say you did not go beyond the shed?—I did not go beyond the shed when you got the stones; the people ran out of the shed and ran in again; I saw that the stones came out of the shed to us as we were coming up towards them on the quay.

Were the stones thrown against you or from behind?—They were thrown facing us.

Were any of you struck?—I am not aware of it, but I daresay there were.

A *Juror* (Mr. *Flynn*).] How many were in your party?—I could not say.

Were there half a dozen?—I could not say.

You know none but the two?—I did not recognise any.

Another *Juror.*] In what part of the square did you see the stones thrown?—From all parts.

Did you see the lancers charging with the points of their lances?—No.

Not on the people?—No.

To another *Juror* (Mr. *Williams*).] The stones were being thrown at that time from there; I saw the man lying there; the stones were thrown before that I saw him lying down.

The *Coroner.*] I put it that you saw him down; did you see him down before you saw that stones were thrown?—Yes; the stones were thrown just before I saw him down.

A *Juror.*] You must have been looking at that place before the man fell?—I felt the effects of the stones first.

Did you see stones thrown out of the shed?—Yes.

Was there a man lying on the ground before you went there?—Yes.

The

The *Coroner.*] You say you did not see him lying on the ground before you saw the stones coming from the shed; you saw the man on the ground before you saw the stones coming from the shed?—Yes.

Mr. *Spratt.*] And what he said before that was that there were stones thrown on the bridge before he saw the man lying on the ground, and that he saw him lying there before he saw the stones coming from the shed.

A *Juror.*] Did you see any lances used in the square?—No.

Could you get whiskey with you unknown to your officer?—No.

Mr. *Spratt.*] It was sworn and testified on oath, that he could not; I think he had to examine them.

Witness.] Yes; but if a soldier took it before he came round the officer could not examine it then.

(The depositions were then read, and signed.)

Serjeant *I. Aitcheson.*

15 January 1867.

Farrier Serejant HENRY TILLIER, being sworn, was Examined by Mr. *Spratt*, and deposed:

YOU are a Serjeant of the 12th Lancers?—Yes.

What troop do you belong to?—Captain Orred's.

Do you recollect the election of the 29th December last?—Yes, well.

Where were you on that day at first?—I was in all parts that day.

Do you know the square here?—Yes, perfectly well.

Were you on the square that day?—Yes.

At what hour of the day?—Between nine and 10 o'clock.

Were there many people on the square at that time?—Yes, a great many.

How many?—I should say there were hundreds; I should say there were from 700 to 800 people there.

Were any of the people making use of any offensive expressions to you?—Yes, they did; such as "Down with the lancers;" "Down with the Tories;" these were the principal words that I heard.

How were those people conducting themselves?—Disgracefully.

What were they doing?—Throwing stones, and hooting and yelling.

You saw stones thrown there?—Yes.

Were they plentifully thrown?—Yes.

Did you see anything else besides stones?—Yes; I saw a bottle, or the bottom part of a bottle that cut my hand; I turned round, and I saw this part of the bottle coming out of a window, and it cut my hand. They had a pole out of the door of the house with a green flag flying.

Did you see any of the men struck?—No; I did not, any more than the sergeant major. I saw the sergeant major hit with a bottle. I saw a bottle thrown from a window on the square and hitting him.

Mr. *Waters.*] What is his name?—Sergeant Major Hannan. That is the only bottle I saw thrown.

The *Coroner.*] You saw him struck with a bottle on the square?—Yes.

On the square?—Yes.

Mr. *Spratt.*] Was he examined yesterday?—No; he is not here.

You formed one of the escort who went out for those voters?—Yes.

What was the position you were in on returning?—In the rear altogether.

Nearest to the voters?—No.

Did you see anything in coming over the bridge, and approaching the bridge; did you see any stones thrown by persons?—I did.

At what time did you see these stones thrown?—At the time we came to the bridge, I consider it would be half-past one or two o'clock. I was on the bridge and in the rear of the whole. I consider I was 20 or 30 yards on the bridge when I saw them thrown.

Were they as small as marbles?—No; quite the reverse.

The *Coroner.*] You went on the bridge about half-past one o'clock, and you saw stones thrown?—Yes.

From where?—From both sides, right and left.

Mr. *Spratt.*] Well, did they continue throwing stones as you were passing over the bridge?—Yes.

On which side were you wheeled?—On the right, to where there were some railings.

When you wheeled to the right, were there some stones thrown?—Yes.

Besides throwing stones, how else did those people misconduct themselves?—Yes; they were hooting, and yelling, and shouting "Down with the lancers." They were shouting also.

You say you wheeled to the right?—Yes.

How long did you remain there?—A few minutes.

Where did you go to from that place?—Opposite the hotel.

Were you on the quay at all that day?—Oh, no, I was not.

Did you see any stones thrown from the left?—Yes.

Are you quite sure?—Yes, there were hundreds; they were too many to be pleasant.

Was there any shouting at the right-hand side of the quay?—Yes.

You know nothing about what took place on the quay?—I do not know.

Cross-examined by Mr. *Waters.*

Is that the reason why you were brought here?—I do not know why I was brought here. I did not come voluntarily.

The people acted very disgracefully, I suppose?—They did.

And how did the lancers act?—In much the same way, I suppose.

Mr. *Spratt.*] He does not understand the question, let it be given to him again.

Mr. *Waters.*] How did the lancers act that day?—Like gentlemen.

Do you know you are on your oath?—Yes.

And is that your evidence, on your oath?—They acted with great forbearance.

Have you had any talk in the regiment about what you have done in Dungarvan?—No.

Are you very proud of it?—No.

Have you had any talk about it at all in the regiment?—No.

Farrier Serjeant *H. Tillier.*

Farrier Serjeant *H. Tillier.*

15 January 1867.

Are you very proud of what the regiment did there?—No.

Mr. *Spratt.*] Let him understand the question.

Mr. *Waters.*] He must be stupid not to understand it.

Are you as stupid as he would represent you?—I look rather foolish, don't I?

You do understand it?—I have got an understanding.

Have you had any talk about this?—No.

Did you hear that two men lost their lives about it?—I heard of it.

And you never had any talk about it?—No.

Did you see a lance used that day?—No, not one.

Were you on the square all that day?—No, not the whole day. I was there all the time the lancers were there, and I did not see any lances used.

Did you see stones?—I saw stones of course, but I did not see any lances used; and I did not charge with the men, for there was no charge.

They did not charge on the square?—They kept the people back, but they did not charge on the square.

A *Juror.*] Did you see the people driven off the square entirely?—I saw the square perfectly clear a few minutes after I came in it.

When the charge was made?—I did not see any charge—charge! Do you know the meaning of a charge?

Did you see them gallop on the people that morning?—I did not.

Did you see them use their lances, or the butts or tops of their lances?—No.

Did you see them go up on the flags, and push the people up against the doors, and use their lances on them?—No.

(The depositions were then read, and signed.)

Corporal THOMAS HUGHES, being sworn, was Examined by Mr. *Spratt*, and deposed:

Corporal *T. Hughes.*

You are a Corporal of the 12th Lancers?—Yes.

You recollect the 29th of last month?—Yes.

Were you on the square on the morning of that day?—Yes, sir.

There was a number of people collected there that day?—A great number.

The *Coroner.*] It is the square you are speaking of?—Yes.

Mr. *Spratt.*] About ten o'clock?—A little before then.

Did you see any stones thrown on that day?—Yes, sir.

Did you see many stones thrown?—I cannot say I saw many thrown in the morning, because the position in which I was placed would not enable me to see many.

Did you see any person with stones in his hand?—I saw one man in particular with a stone in his hand.

You saw a stone in a man's hand, and did you do anything?—I did. I hit his hand, and made him drop the stone.

What size was it?—It was one of the stones that were laid in the square that day. It was one of those that are for macadamising the roads with, or a little larger.

Do you know any other man struck that day on the square?—I saw a man two or three files in front of me, struck with a stone by the same man who had the stone in his hand, and that was the reason why I struck his hand when I saw him pick up the stone.

Besides the stone throwing, did you see them doing anything else that was improper?—There was a deal of shouting and hallooing as we brought the voters in.

Now, besides this shouting and hallooing, were there any offensive expressions made use of?—I did not take any particular notice of any at that time.

You were one of those that formed the escort on the other side over the bridge?—I was with Major Wombwell, and went out to meet them.

Where were you placed?—I was the leading man, the right-hand man in the advanced guard.

From your position as right-hand man of the advanced guard, had you an opportunity of seeing all that took place as you came over the bridge?—All that took place as we came over the bridge, I had an opportunity of seeing.

Did you see any stones thrown?—Yes, sir.

Where were you at the time you first saw stones thrown?—Coming towards this end of the bridge.

How far were you from it at the time?—We were not quite over it before we were assailed out of that place where the iron railings are.

That was before you reached the iron railings?—Yes.

Where were you assailed from?—From both sides of the bridge, right and left.

Were those stones thrown before the troops divided into two parties, right and left?—They were, sir; yes.

Were you struck that day by any stone?—I was struck five or six times as we came over the bridge, very severely. It is a bruise, and I feel it hard at present in this leg.

The *Coroner.*] It was on the leg you were struck at the time?—I was struck on the leg and on the back, and there were stones that must have come from either side of the quay that struck me.

Mr. *Spratt.*] Did your horse get any blow of a stone?—He was struck twice. He was struck on the haunches and in front; a blow on the front, and on his haunches, and with the fright of it he stumbled and nearly fell.

Were you thrown off your horse?—No, sir.

You say the stones were thrown from the right and left, from the parties at both of the sides?—Yes.

Did you see many stones thrown at the left?—I cannot say, because my attention was attracted by the way I was treated by the people on the right of the bridge.

Which way did you wheel?—To the right. There were some very heavy stones thrown from inside the railings, and it continued till I rode up to the policeman, and asked him to open the place and let us turn them out.

Were those stones large?—There were some of them large. They were moderate sized as compared with that hat (*pointing to a hat.*) Such as would inflict a severe injury.

You passed up towards the hotel?—I followed outside the wall, and pointed out the man that gave

gave me the blow in the leg, and then he dodged over the wall, somewhere there, and got away. Then I went on towards the square.

Were they shouting on the bridge?—Yes, sir; shouting and yelling.

Mr. *Spratt* to the *Coroner.*] Take that down, sir. We have a reason for it.

Mr. *Waters.*] Particularly as we have not had it before.

Cross-examined by Mr. *Waters.*

Corporal *T. Hughes.* 15 January 1867.

Did you go down the quay at all?—No, sir; I never was.

And know nothing about it?—No.

And is that the reason why you were brought here?—I could not say.

Can you guess it?—It is quite against my wish that I am brought here at all. I did not wish to come.

(The depositions were then read and signed.)

Constable Edward Colbert, on being sworn, was Examined by Mr. Spratt.

Constable *E. Colbert.*

Mr. *Spratt.*] You are in the police force?—I am a constable stationed in the city of Limerick.

You were here on the 29th December?—I was.

What part of the town were you in?—I was here with the military.

At which side of the bridge?—Just near the Court-house.

Were you nearer to the Court-house, or to the bridge?—Nearer to the Court-house.

The *Coroner.*] You were with the military you say?—Yes.

Mr. *Spratt.*] From where you were, could you see all that took place at each side of the bridge?—I can throw no light on anything that took place on the quay; that is, on the left as you come over the bridge.

Mr. *Waters.*] That is what we want.

Mr. *Spratt.*] You have been at a good many elections?—I attended several.

You have been at places where there was a good deal of that work?—Yes, I have.

Did you see any stones thrown here?—I did.

From within this railing?—From within the enclosure.

You saw the lancers?—I did.

Did you see anything done to these men?—I saw the escort clear the end of the bridge, and there was shouting and stones coming from the enclosure at the end of the bridge. They cleared the end of the bridge, and there was a shower of stones came on them, that is from the Shandon side.

From what you saw of the people that formed within and without the railings, did the lancers act with unnecessary violence towards them?—I could not say they did; I know certainly from what I saw, coming in the midst of them, that they had great provocation; they received great provocation.

Did you ever see a worse mob in your life?—

Mr. *Waters.*] I object to that; what is it to us what he saw.

Mr. *Spratt.*] Did you see anything else that day?—I was one of the first inside the railing; I got in between the bars, and we charged the people. I called out to them that they must be a cowardly lot of ruffians to have assaulted these men in this way.

Mr. *Waters.*] Never mind what you called out.

Witness.] There were 10, or 15 or 20 men got inside to put them out, and then when they were driven out they got into an inclosed yard at the other side of the Shandon-road. Stone throwing continued for a considerable time; and when they heard us break or attempt to break the gate, they then stopped, for they thought they might be pinned.

Cross-examined by Mr. *Waters.*

You don't know anything of what occurred on the quay side?—I do not.

And is it because you don't, you are brought here?—I don't know; I was brought here at great inconvenience, and I was very unwell since.

Who paid your expenses?—I don't know; I will not be paid much for them; I don't know much about the quay side.

(The depositions of the witness were then read and signed in the usual manner.)

A *Juror.*] The jury will insist in not hearing any more evidence that does not affect O'Brien's death.

Mr. *Spratt.*] I have sent for Mr. M'Dermott, who will know something about it.

A *Juror.*] We will insist on our right as jurors to reject every evidence that does not affect this man's death.

The *Coroner.*] It is reported that the evidence will close to-day, and that the addresses to the jury will take place on Thursday.

A *Juror.*] I hope you will not keep us over until evening; I want to go home.

Mr. Spratt here left the Court-house to consult with Mr. Julian, who was very unwell, as to whether he would call more witnesses. On his return, he said: "We close now, with the reservation that we will examine Mr. De Valmer on Thursday morning; and we put in the requisition sent by Mr. Barry to the military to attend. It is a mere matter of form; we will examine one witness more, Mr. De Valmer, and we close with that reservation."

[The Court then adjourned until Thursday morning.

Ninth Day.

Dungarvan, *Thursday*, 17th January 1867.

The Names of the Jury having been called over,

Mr. Charles De Valmer, being sworn, was Examined by Mr. *Julian*, and deposed:—

Mr. *C. De Valmer* 17 January 1867.

You reside in London, Mr. De Valmer?—I do.

Were you in Dungarvan on the occasion of the recent election?—Yes.

Were you, between one and two o'clock in the day, upon any particular point?—I think I was upon the causeway of the bridge, at the other side of it, coming into town.

In whose company were you at that time?—Sir Nugent Humble.

The *Coroner.*] On the bridge you say?—On the causeway, close to the bridge.

Mr. *Julian.*] Were you there as the voters passed over?—No, I was just at the other side. I was just there as they were passing over.

Was it while they were getting to the other side that you were getting to the causeway?—Yes.

Did you see the dividing of some of the lancers to the right and left of the bridge at the town end?—Yes.

After they had so divided, did you see anything take place?—Yes, I saw the people rushing before them.

Did you see the section that divided to the left, towards the quay; was your attention attracted to that as well as the others?—Yes, I saw them on both sides.

Can you say, was it more particularly attracted to the division that went towards the quay?—Oh, yes, more than to the other. I saw that better.

The *Coroner.*] He says his attention was more particularly attracted to the section that went to the left side.

Mr. *Julian.*] Yes; his attention was more directed to the left or quay side.

To the *Witness.*] Did they come more within your view, as they went down the quay first, when they were on the straight line near the bridge?—Yes, most certainly.

Was the height of the bridge more in your way when they were on the other end of the bridge?—The bridge did not interfere with my sight at all, from where I was placed.

What did you see take place with the section that divided towards the left, or the quay side; describe what you saw take place; did they go any distance on the quay?—No, I think a very short distance; it appeared to me that the people having gone before, I thought that the thing was, at that time, at an end. I saw a movement of the lancers, but nothing in any way in a quick movement.

Did the people, as they divided round in that manner to the left on the quay, did the people go before them on the quay?—Oh, yes.

Mr. *Julian.*] He says that the lancers went down a little on the quay, and not in quick movement, and that the people went before them. (To the *Witness*). Is that right?—Yes, they were just about the space at the end of the bridge at the time.

The *Coroner.*] You say the lancers went a short distance down the quay, but not in quick movement, and that the people moved before them?—Yes.

Mr. *Julian.*] That the lancers went down a short distance; did they appear to make a movement to return?—Yes; the people having gone before them, the lancers appeared to have been turning back; at least the movement appeared to me to be as though they were returning.

When the lancers so appeared to you to be returning back, did you see anything take place?—Yes; I saw a number of men rush out of some place where there were some walls, and throw stones.

Was there a large number?—Oh, yes; there were a great many men.

The *Coroner.*] Is that a small inclosure?

Mr. *Julian.*] So he describes it.

The *Coroner.*] And throw stones at them?

The *Witness.*] Yes.

Mr. *Julian.*] Could you say distinctly that they were stones; did you see them?—Oh, yes, they were stones. If they were not stones that they were throwing, I should think that they were very like them.

Had you a clear uninterrupted view of what took place, from what you stated?—Quite clear.

What took place then?—Then I saw the lancers charge.

Was it back on those who were stoning them that they charged?—Yes, I think so; there was no one else.

There were no people on the quay except those men?—At least so far as I saw.

What did those men do?—They rushed up all those lanes and alleys there, as quickly as they could, that lead down to the quay.

You say you saw them rush up the different lanes and alleys leading down to the quay?—Yes.

Could you say whether the stones you saw were flung at the lancers; did you state that there appeared to be a large number of men following them?—Yes.

I suppose, when the lancers charged back at them, you saw that the people fled in every direction?—Yes.

And

And ceased the stone throwing?—No, I don't think there was any more then.

Did you see the direction the lancers went in?—Yes, some went down the quay.

Do you know where Captain Keily's house is?—I do; I have seen it.

Did any of these people run as far as Captain Keily's house?—Oh, they ran behind it.

But I suppose none so far?—Some went; I think there is a lane just behind there, and some went behind it, and went up there.

Did any run into the inclosure from where you saw them come?—I don't think they did, but I don't remember.

You don't remember?—No.

I suppose after that you heard the trumpet?—Well, I don't know whether I did or not.

Did you see the soldiers called back and assembled?—Yes.

In a very short space of time?—Yes.

Can you say, Mr. De Valmer, whether before what you describe as having occurred on the quay, was your attention directed to the other side, and was there stoning going on at the bridge itself?—No, I could not say that.

And I presume you are not able to say anything further, nor that any of the stones struck the soldiers on the quay?—No.

Cross-examined by Mr. *Waters*.

Were you near enough to see the lances used?—I was. I saw a charge, and I saw the lancers use their lances; the points of their lances.

And did you see them charge?—Well, I cannot say exactly.

Well, you are the first witness we have had that said that they charged with the lances down?—I don't know whether the lances were up or down.

You saw the lances in their hands?—Yes, they had their lances in their hands galloping after the people. I cannot swear that it was what you would call a charge in strict military form, but they were galloping after the people.

Was it a charge like a charge such as you, as a civilian, could say?—I don't ——

Mr. *Julian*.] Ask him, does he know what a charge is.

The *Witness*.] No, I rather think not.

Mr. *Waters*.] Would you retract the use of the word charge?—I would sooner use the words "galloped after the people."

Did you see a man knocked down on the quay?—No.

Did you see a man struck by the lancers?—No.

Were the lancers there charging, and what was the attitude of the people; were they flying from the lancers or opposing them?—They were running away.

Mr. *Waters*.] That is all I have to ask you.

The depositions of the Witness were then read over and signed in the usual form.

A Juror.] What small inclosure does he mean that the people run out of?

Witness.] I could not tell; it is called the Root Market.

A *Juror*.] Did all the people move down the quay before the lancers came over the bridge, or only a portion of them, on the first occasion that they moved on the people?—I think all of them; I don't think that the people dispersed before the lancers; I think that the road was pretty clear, and that there was hardly any people on it.

Did you see any stones thrown on the bridge, on the quay side?—No, the stones came from that inclosure I spoke of.

Were you in a position to see whether there could be any stones thrown on the bridge on the quay side?—I have a hesitation in answering; I think I could.

Was that, in fact, the most prominent part?—My attention was directed to the quay, and I saw better what took place on the quay than any other place. My position was such that it allowed me the full view of the whole of the quay, and what was passing on the quay.

The whole of the quay up to the bridge?—Yes.

If stones were thrown at that distance, were you in a position to see them?—Certainly.

And you did not see them?—I saw stones thrown from the inclosure.

But not from the bridge?—Do you mean that the inclosure is near the bridge? I saw them thrown from the inclosure, but I don't know that I saw them in other places.

Is it quite convenient?—It is quite convenient.

Is the inclosure you mean quite convenient to the bridge?—It is on the quay.

You saw no stones thrown convenient to the bridge on the quay side?—No.

Mr. *Julian*.] I believe that you were explaining to the jury that your attention was directed?—

Mr. *Waters*.] I have stated that I would not take up the Witness again, and it is only to save time I say it.

Mr. *Julian*.] Well, a juror has asked the question.

(To the *Witness*.) Were there stones thrown before or after clearing away the people by the military?—After the clearing away of the people.

Another *Juror*.] Were you on the square about ten o'clock in the morning?—I was not, sir.

[The Witness then withdrew.

Mr. *Julian*.] Mr. Coroner, I don't know whether I am informed correctly or not, but I am informed that the employer of the poor man is sworn on the jury; and if so, I would like to ask him a question or two. I would like to summon him as a witness for the benefit of the Court and his fellow-jurors.

The *Coroner*.] I am told that he is on the jury; Mr. Walsh.

Mr. *Waters*.] I thought we were to close this morning?

Mr. *Julian*.] I will only ask him a question.

Mr. *Waters*.] You cannot tell how material and valuable time is to me.

Mr. *Julian*.] And it is not material or valuable to me, I suppose? I believe Mr. Walsh is the gentleman's name. (*Addressing the juror*). Are you the gentleman?

Mr. *Walsh* (a Juror)]. I am.

Might I ask you whether or not the deceased was in your employment?—He was.

Did you see him on the day of the unfortunate occurrence at all?—I don't think I did; I do not think I did.

Was he a labourer in your employment?—He was.

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For how long before had he been working with you?—On Friday morning he was at work with me, and I went to town, and when I came home I could not account for him.

Did he work all day on Friday?—I cannot say, but my opinion is that he did not.

Did you leave him work to do?—I gave him work to do, and pointed it out to him.

Did he do the work?—I believe it was not done.

Did he go to work at all on Saturday?—No, sir, I did not see him.

Might I ask you where his duty ought to have led him to?—Six miles from town, beyond Cappagh.

Was it at this place beyond Cappagh his presence was required?—Yes.

Was it there his employment was?—It was, sir.

I simply want to know for the benefit of your fellow-jurors and the Court.—Yes.

Had you seen him in his absence in the town on Saturday?—No.

And you did not see him at all on the Saturday; and you can throw no light at all upon what occurred in town?—No, until I saw him below on the Linney.

Mr. *Julian.*] I won't pursue the inquiry further.

Mr. *Waters.*] Had he a wife and family?—Yes.

How many?—He has three living, sir. All I owed him was 3 *d.*

Mr. *Julian.*] I could ask him questions more pertinent than the number of his children, but I don't like to do so. I now propose to close, giving in the requisitions of the resident magistrate, whom I have here in court, that the troops should attend on that occasion. They are dated the 29th of December, and Mr. Waters won't require him to be sworn.

Mr. *Waters.*] What is this?

Mr. *Julian.* It is the requisition of the resident magistrate.

Mr. *Waters.*] Oh! they did not come here without orders. It is not necessary to put them in.

Mr. *Julian.*] I have the requisition of Mr. Greene and Mr. Barry to Colonel Sawyer, asking for those troops to escort the voters.

Mr. *Waters.*] Let me see it.

Mr. *Julian.* That is the only document of these that I use (*handing them over*).

Mr. *Waters* (*examining them*).] Well, if these be stated correctly——

Mr. *Julian.*] I don't state incorrectly intentionally.

Mr. *Waters.*] I understood that it was at the joint requisition of Captain Barry and Mr. Greene.

Mr. *Julian.*] I did not mean to say it was not.

Mr. *Waters.*] Mr. Greene's requisition is to this effect, that he wanted an escort of cavalry to escort voters from Balangower. That was on the 29th of December; and then Mr. Barry's requisition was to the officer in command of the troops, and says, "I beg to apply for an escort of one and a half troop of cavalry, to proceed"—to the place named in the requisition. That is on the 29th also.

Mr. *Julian.*] That is on the 29th also. Now, Mr. Coroner, I close my evidence with the production of that document.

Captain *Barry.*] As Mr. Julian has referred to a requisition given by me, I deny that I gave a requisition for a troop and a half of cavalry—for the troop that Major Wombwell went out with, to meet and augment the escort.

Mr. *Julian.*] Did you name an escort of a troop and a half of cavalry?

Captain *Barry.*] Certainly not.

Mr. *Julian.*] That is all I stated.

Captain *Barry.* I did not give a requisition for the troops under Major Wombwell that went out and met the escort on that day.

Mr. *Julian.*] I simply use it to show that the military were not there of their own accord, but that they were there at the requisition of the civil power.

Mr. *Waters.*] It is not necessary to pursue this further. I dare say that they would rather have been in the barracks at Cork or at Fermoy.

Mr. *Julian.*] They would, I am sure; for there is neither honour nor glory to be got at elections.

The *Coroner.*] Mr. Julian, do you wish to address the jury now.

Mr. *Julian.*] When the proper time comes, sir, I will make an effort. Mr. Waters having first opened the proceedings by the examination of his witnesses, I will leave him to open the speech-making also.

Mr. *Waters.*] This is not my time, and we will recognise the practice followed in any civil case, where the person who is complainant opens the proceedings, and where the usual course at the trial is that he gives evidence concerning the matter in hand. If the defendant gives evidence, then the plaintiff has the right of reply; and the same rule applies as well in criminal cases, the prosecutor has the right of reply. That practice is always followed in every court, no matter what that court may be. In the same way, also, I opened the proceedings so far as giving evidence, and Mr Julian followed and gave evidence, and if Mr. Julian wishes to address the jury he can do so, but I have the right to reply on the case. He knows that perfectly well; that is the practice in the civil and criminal tribunals. I know of two cases in which a similar inquiry was conducted. The one was at Six-mile-bridge, in the county Clare, in 1852, where some soldiers fired on the people.

Mr. *Julian.*] Were you at it?

Mr. *Waters.*] I was not.

Mr. *Julian.*] Have you it in print?

Mr. *Waters.*] I have not got it in print. I know of my own knowledge that Mr. James Coffey, of the Munster bar, represented the next of kin, and he replied after the case closed; and in a similar case which occurred in the city of Limerick, Serjeant Barry represented the next of kin, Mr. Exham represented the police, and Mr. James Murphy represented one gentleman particularly interested. There the coroner determined to adopt the course followed at Six-mile Bridge; and Mr. Exham spoke on the part of the police, Mr. Murphy followed on the part of the gentleman for whom he was engaged, and Mr. Serjeant Barry spoke for the next of kin. Where a person is prosecutor he has the right to reply; and where the practice is settled with regard to that court there can be no question about it. I know that Mr. Julian will refer to the Dangan case——

Mr. *Julian.*] You had better not say anything about it.

Mr.

Mr. *Waters.*] I will say that he and Mr. Wallis entered into a different arrangement.

Mr. *Julian.*] I will not say that.

Mr. *Waters.*] That is no reason why it should be the same here.

Mr. *Julian.*] Mr. Waters has been heard very fully on that subject, and I will ask you to hear me now, and you will say that I am on the right side of the house in this matter; on the right side of the question. He has told you that I knew very well what has been the practice in the courts of justice. Wherever my knowledge extends I will always give the result of it candidly and freely, and I hope I do know well what the practice is in courts of justice upon criminal trials and upon civil trials. But it is also well known that it is not right to have the same practice in this Court. It is a different court altogether, and if you understand it, I am prepared to show you that we (Mr. Waters and I) are here by sufferance, and to the present hour it has never been settled that professional men have a right to be here, or to interfere on a coroner's inquiry. There has been no distinct ruling on the general practice, and nothing upon the subject has been settled, and the fact is, that we are not entitled to be heard here, except by sufferance and by the permission of the Coroner. That being so, it is clear that whatever rules other trials in other courts, can have no hearing whatever here, and can regulate no proceedings here. As I stated at the outset, this is simply an inquiry of public justice to ascertain the cause of the death. There is nobody on trial; there is nobody specially indicted here, or put on his trial. It is a trial in which everybody has a right to take part. It has often happened that three or four parties have interfered. It is the Coroner who has the regulation of the witnesses who are to give their evidence, and implicate certain parties. It was simply irregular for Mr. Waters to examine one set of witnesses, and for me to examine another. It was not in consequence of right. I would have had as much right to examine my witnesses first as he had, and it might have been done without any irregularity. The whole matter is in the discretion of the Coroner. There is no ruling and no positive direction on the subject by legal authorities. In the outset you expressed a desire that it should be ruled by the most recent case of the kind that occurred in this country. You have expressed a desire to follow the same course of proceeding that was followed at the Dangan investigation.

The *Coroner.*] I do not think I went so far as that.

Mr. *Julian.*] I will not misrepresent you. What you said was, that whatever was the course pursued at the Dungan investigation you would follow.

The *Coroner.*] I have no recollection of that.

Mr. *Julian.*] I have a very distinct recollection. There was no reference to the speeches at that time, but it was on the evidence. You stated that you would like to know what had been done at the Dangan investigation, and I told you the course that was pursued, and what was followed out. It was as to whether the counsel should examine the witnesses or the Coroner. You said you would like to pursue whatever course was pursued at Dangan.

The *Coroner.*] That is as regards the taking of evidence.

Mr. *Julian.*] Yes, sir, we know more about the Dangan affair than about those far-off cases at which Mr. Waters was not present. One was in 1852, and he has stated only from hearsay what was done. It is possible it was done by arrangement at Six-mile-bridge. The same course may have been pursued at Limerick. But at the Dangan affair, Mr. Wallis, who was as able an advocate as you could have produced, represented the next of kin. Mr. Wallis refused to speak till the last, and he insisted that he, as representing the next of kin, would have the right of speechmaking last. Finally he had to yield, and Mr. Coroner Barry insisted that he should do so. I give that from my personal knowledge. I can show it to you in print. I have got the newspapers of the period to show that Mr. Wallis, who was for the prosecution there, as Mr. Waters is here, and first to address the jury, and I wound up on the part of the police. That is the only case I have in point at the present moment. Mr. Waters has not given to me the result of one such experience. And there, in the hotly-contested dispute between Mr. Barry and myself, it was ruled by Mr. Barry that he should address the jury; and with all his advantages, I think Mr. Waters may very well allow me the last word in the case. 17 January 1867.

Mr. *Waters.*] Nobody questions your word in the slightest degree, and I will not question it.

Mr. *Julian.*] It was not the result of the arrangement between us that this course was adopted.

Mr. *Waters.*] I do not say it was. You stated that there was an argument, and so be it.

The *Coroner.*] I should be very much inclined to follow the course followed at Six-mile-bridge, and in Limerick.

Mr. *Julian.*] But you have them only from hearsay.

The *Coroner.*] I have more than hearsay. I have here in print the account of the Limerick investigation.

Mr. *Julian.*] Then do I understand you to put it upon me at the present moment to address my observations to the jury upon this very heavy and important case, in opposition to the position given to me in a case so recent as that at Dangan.

Mr. *Julian.*] I tell you at this moment that I really require rest.

Mr. *Waters.*] Oh, really this is too much.

Mr. *Julian.*] I tell the Coroner that I require every moment's rest before I commence that duty, which is heavy and arduous. I require every moment's rest before I do so.

Mr. *Waters.*] You are not the only one that requires rest and consideration.

Mr. *Julian.*] I do not say you do not. I speak of nobody but myself.

Mr. *Waters.*] The Coroner has ruled it, and you had better go on.

Mr. *Julian.*] I ask the Coroner, does he peremptorily rule against me?

The *Coroner.*] Yes, Mr. Julian, I should like to follow the ruling in these two cases.

Mr. *Julian.*] Very well, sir. Then may it please you, Mr. Coroner, and Gentlemen of the Jury,—I rise to address you in this case under feelings of very great embarrassment, together with which, I may also almost say, physical incapability—very great embarrassment, knowing the difficulties I have to contend with in the case

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—difficulties that few advocates, I believe, in any case, have had to encounter within a very recent period, at all events—not from the nature of the case itself. Fearlessly would I enter into the facts of the case, and fearlessly would I face the result. It is neither upon the facts of the case, nor upon the law bearing upon them, that I am in the slightest degree apprehensive in addressing you here to-day. Upon that I feel no difficulty whatever; but, gentlemen, it is idle for anyone to seek to shut out from his view the other difficulties that surround me and face me. There is the difficulty, in the first place, that I am on the unpopular side of the question in this case. I am on a side not that would carry your sympathies with me; your sympathies are against me. They are naturally so, and I do not blame you, gentlemen, for it. Your sympathies are naturally with the unfortunate man who has lost his life in this unhappy occurrence. Your sympathies are with his family. I do not blame you that it should be so, and you would scarcely do credit to yourselves if it was not so, and I am, as I say, on the unpopular side—the side that, even if life had not been lost at all in this unhappy election—if life had not been lost at all in it—the side I advocate would have been, and is, a most unpopular one. The military are looked upon as intruders on such occasions. There is no disguising that. There is no doubt about it. They are looked upon as intruders, and a great many, a very large number of people think that they have no right to be brought in to aid on these occasions, either by their presence or their acts, and that the candidates and voters should be allowed to fight it out amongst themselves, and to smash each others heads if they liked, and that would be the result on a great many occasions. And, gentlemen, along with that, in this case I have to contend with the one-sided account of this transaction, put before you in every shape and form. At every time, and at every place, and at every moment since it occurred,—from that bench, from the pulpit, and from the press,—a one-sided account of this transaction has been put before you, and my clients have been denounced as savages and as brutes, and as everything that could disgrace humanity. You have never heard on those occasions a single voice raised for the military, who were brought in to discharge a very unpleasant duty, one in which, as I said a moment ago, they have neither honour nor glory to gain, and a duty, too, into which they are thrust against their will. One of the officers told you that soldiers have no politics, and indeed they have not. Little do they trouble themselves about politics. Little do they care which candidate gets in, or whether Captain Talbot or Mr. De La Poer is sent into Parliament. I venture to say, there is not a soldier in the regiment who would have given a crooked sixpence, one way or the other, as to which got in. Yet they are put there to be stoned and pelted at in the manner in which they were at this election. Though you have none of your townspeople being tried for wilful murder, because I tell you, as I told you previously, and before the authorities of this country, that had a single soldier been killed in the encounter of that day, all the powers on earth could not save the man, if the act could be traced to him, from a conviction for wilful murder, because the soldiers and the mob stand in very different positions on those occasions. The soldiers are discharging a legal duty. They are there as peace preservers. They are sent there not of their own choice. They are sent there at the beck of the civil authorities, who bring them there, and, as I told you in the investigation, leave them there in their trouble very often. I am glad there was no one killed. Soldiers wounded there were; I admit not very severe wounds, but some of them quite as severe in their appearance, if not more so, than the one the unfortunate deceased in this case got, although the results were different. Very often, gentlemen, a very trifling injury has a very serious result, and it was a very unfortunate thing that the trifling injury which the deceased got had the very unfortunate result it had. I regret it. I regret it; and I do not believe there is a human being that has heard of it that does not regret it. I really think, gentlemen, Mr. Waters need scarcely have struggled to get the last word in this case. Mr. Waters might have left the case with you, without any word at all. It was a small advantage, which he might have yielded to his adversary in this case; a very small one indeed. I fear that Mr. Waters will have very little difficulty in carrying your sympathies and feelings with him, while I am equally fearful that I will have very great difficulty in getting you to follow me in my argument, or looking upon the case in the view in which I will seek to put it to you. Not that I will seek to put it before you in any unjust, unfair, or improper light, nor in any light that will be inconsistent with the law. There is my bulwark in this case. I think I will demonstrate to you before I sit down; whether you are willing to be convinced or not I cannot help; I think I will show you that the soldiers have done no more than they were justified in doing; that they have acted within the strict bounds of the law. I will go that length, and I think I will show you law for it in print. I have great difficulties in this case to encounter; for what has been attempted? You have been asked—and it has been put into your box—to give your verdict upon two inquests, aye upon three inquests, it was suggested by a juror, and he found his verdict upon it. One of yourselves said here, that there were three persons in their graves from the soldiers. What was that but finding their verdict against the soldiers? And that same one found his verdict there and then when he said there were three men in their graves from the soldiers. What was that but finding a verdict on the moment against the soldiers? These are the difficulties I have to deal with. Poor Keily's death has been brought into the case to try and excite your feelings, and carry you away against the soldiers, and no doubt it is a feature of the case well calculated to do so; but, strictly speaking, you have no right to allow it to carry away your feelings upon the case, or the investigation with reference to the cause of the death of O'Brien, or the investigation into the cause of his death. When I come to defend the soldiers in Keily's case, I will be prepared to do that too. I do not shrink from it, and I think I will justify every act of theirs that day. Gentlemen, oratory is not my forte, nor is it exactly an appurtenance of my profession. It is more the province of the honourable profession to which Mr. Waters belongs, and I do not hope to do much by oratory with you. I do not possess it, and if I did I think it would not have much

much effect with you. But I hope to do a little by putting before you plain facts. I hope to do a little by that, but not much. I never go aside to say what I ought to say in the presence of parties. I never did it yet, and I will not do it now. I have to contend in this case with what I ought not to have to contend with. I have the result of those inflammatory articles in the newspapers, with inflammatory headings. I have the result of inflammatory addresses from the Bench. I have the result of inflammatory addresses from where they ought not to have been spoken, and by parties who ought to have spoken words of peace and good will, rather than in the way of exciting topics. I have all these things to contend with, and much more. If a great many of my observations do not meet with approval by some partie sin court (I do not care whether they do or not), I will discharge my duty, and discharge it fearlessly. A great many of my observations will meet with some such response as I have heard from time to time in this court, since the inquiry began. But that will not deter me from making them. I will not be influenced by them. I have those matters to contend with, and I have, in addition, the result of every whisper and every story that has been going the round of Dungarvan for the last two or three weeks. Have I not had from your very box those stories, those calumnies lugged into the examination of the witnesses? Was not one witness asked, Sergeant-Major Bromley, by one of yourselves, was he not asked, were not the soldiers so mad for fighting—these are not the words exactly; I will not undertake to repeat them so—was it not the fact, that they were so mad for fighting on that day that they were fighting in their lodgings in the evening amongst themselves? I will do you the justice to say that you did not believe them. I do not believe there is one of you that would come into the box with the determination, or with the slightest inclination to forswear yourselves, or find any verdict you did not believe you were justified in finding. Do not think for one moment that I accuse you or impute to you that you will be giving a verdict that you are not justified in giving. But human nature is human nature. As the poor trooper said, flesh and blood is flesh and blood; and I said it is utterly impossible that you could hear stories adverse to the military coming from every quarter; it is utterly impossible that you could not be influenced by them, or that you could restrain yourselves from being carried away by them; and, therefore, I defy you to discharge your duty impartially. But it is not in man to do so. Calumnies have been circulated about the military, and if you are to hear from every quarter round about you; if you are to hear nothing but denunciations of the military, and one-sided stories, I deny that you can come to any other conclusion but the one, that the military must be wrong, and that the people must be right. Though you may think and say that you leave all those things behind you at the door of the Court-house as you come in, I say you do not. It is not in your power to do so. It is idle for you to persuade yourselves that you do. When the juror was asking about this row, and stating that they were fighting amongst themselves about their billets. he put two or three questions to show that at the moment they had forgotten themselves, at the close of the day, that they had done something wrong, that they had been fighting amongst themselves, been rowing, and so on, and the witness answered in a decided negative. But another juror interrupted his fellow juror by saying, "I am the owner of that house where that man was billeted, and I never heard of such a thing. No such thing took place, and that is as proper a man as ever entered a house." Although I have your prejudices to contend with, I believe that I have your honour and honesty with me, and that you will not allow yourselves to be swayed away back altogether. It is a trifling thing. It is very unimportant to occupy your time with this incident, but does it not speak trumpet-tongued for the difficulties and obstacles I have to contend with in my case? From time to time, on each day during the progress of this case, I have had to complain, and I never hesitate to complain of anything that calls for complaint, of observations from that box. It has not been my object, nor ought it to be my object, to bring your ill-will upon me, or to bring your displeasure upon me. I feel my object would be, and ought to be, the other way. I only wish I could keep saying things complimentary to you, but I wish I could have felt them, and saw them, and I would not say complimentary things unless I felt them, but I could say a great deal of complimentary things to the jurors whom I have the honour of addressing. As I have said, I have things to contend with in this case that I ought not to have to contend with. Over and over again there were observations and expressions from that box that indicated, as the straw does how the wind blows, the feeling that prevails with some of you. Was I wrong in remarking on them, and drawing attention to them? Some of yourselves even thought it necessary, in defence of your own honour, to disavow them yourselves. Was the advocate who was defending the military to hear these insulting observations, and not to complain of them, for you yourselves got up, to your honour be it said, to disavow them. I am not talking of what has occurred in this case, and from the beginning to the end of those observations I trust I shall refer to nothing, and use no argument but what is founded on what has occurred in this case with the view of assisting you to come to a just and proper verdict. Now, gentlemen, I do beg of you and entreat of you for a time, I won't say a short time, I am sorry for my own sake it cannot be short, it ought to be short, if I were to consult my own convenience and strength at the present moment, but it cannot be short in the discharge of my duty here, and I will not occupy myself in the discharge of that duty, but I ask you to bear with me while I discharge that duty, and while I make observations to you that I feel myself called on to make. I do entreat of you not to allow your strong feelings and prejudices to close your ears to the facts that I shall draw your attention to, to the arguments I must use, but to find a verdict in this case that will do you credit, be a credit to your own country, and will probably indicate whether you are lovers of law and order, and are you a supporter of law and order, or whether, on the other hand, you prefer mob law and mob violence. I remarked before, in the course of this case, that it is not a case that is confined within the limits of this Court-house, or to the limits of the town of Dungarvan. You have the country looking at you and the kingdom looking at you, and therefore I ask you to be cautious and weigh well the verdict you give in the case

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and its results, or may be its results, both now and hereafter. Amongst the other things that I stated I had to contend with in the case, there is one more, but I will not allude to it. I will not trouble you with them all, there are so many in my mind's eye. It is the one-sided version sought to be given in this case on the first three days of this investigation. Gentlemen, had this case been put before you honestly and fairly upon its merits, had the whole facts been faithfully put before you by the prosecutors, or those acting for them, this inquiry would not have lasted half the time. Had there not been attempts made to shut out the facts that you must have been aware of, and put in all the rumours and gossips that have gone over the town, and you must have known all these facts had they given these facts, had the prosecutors honestly given you these facts for the first two or three days, had they put proper witnesses on the table; but did they not put up witnesses that could only see with one eye, and hear with one ear, or with no eye at all? They saw what the lancers did, but they saw nothing else. Had that course been adopted, had the course been taken, I repeat, we would not be here now. But had it not been sought to prejudice you, and really the prejudicing of you was the least of the injury done to the military, because the prejudicing of yourselves had been accomplished long before from what passed around you, but I believe that there has been a little more added on this head; but it was sought to prejudice the world, and of the public of the part of the kingdom interested upon your inquiry here, and it was sought to make a great impression by the one-sided account that was published of this unfortunate transaction. It was calculated that many would read the second and third day's evidence that would not read any more of it, therefore it was sought to make a great impression against the military, and you had witness after witness examined. Gentlemen, You heard those witnesses give their testimony. I will tell you the number. There were nine of them. Nine of them were brought up here; and between the nine who saw stones that were thrown, the most they swore to was, either three, or two, or one. My recollection on some points of this case is pretty good, and I don't think it will give much cause for correction. I will let it go as far as three. You had nine witnesses before you on that table, some of whom proved that more than two or three stones were thrown. We had magistrates and others, who ought to have given an honest version of the case, a faithful one. You had them here swearing that there was no stone-throwing until the military behaved in this brutal and savage manner. You had all that time occupied for those several days before that man Martin was put upon the table. Nine of them were examined before any admission was made that there was stone-throwing. Was that fair, or was it right? But the moment that Mr. Walters had Martin examined, and saw what his evidence was, he saw that it was useless to deny it longer, and he admitted that there were stones thrown. From that time I was constantly interrupted with cries that there was no denial of stone-throwing, and even the juror admitted the fact, but I had a duty to discharge here beside the mere naked one of giving the dry facts upon it. You cannot but be aware of how I have been acting from that moment. Nine witnesses had been swearing that there had been no stone-throwing; that the lancers had acted in the most brutal and savage manner upon an unprovoking and inoffensive crowd; that they had been let loose upon the quiet, inoffensive townspeople, and had in the most savage manner sought for and craved for the blood of your townspeople. That they sought out whom they could destroy in the most brutal and savage manner, and galloped after them. Nine of them saw nothing but that. They did not see a stone thrown, but one or two. Gentlemen, it was that that incited my producing witness after witness, not being satisfied with your saying that you had enough of stone-throwing. Not being satisfied with Mr. Walter's admission that there were stones thrown, I ask why did he put Mr. Kennedy and other witnesses on the table to swear that there was not any stone-throwing? But, gentlemen, I have not alone your verdict to seek in this case, but I had to plead the honour and the fame of one of the finest regiments in Her Majesty's service. I care not who denies it, I assert that since its establishment the fame of that regiment, its well-fought battle-fields, prove that it is one of the best and bravest and finest regiments in the service. I am not going to allude to matters of history, but the medals in twos and threes, and I believe four in one case, on the breast of the soldiers, attest to the bravery of the regiment, and to the manner in which they have fought their country's battles. It is not for me, standing here as their representative, to allow the one-sided caluminated statement of the facts of this election to go before the public uncontradicted. I not only represent here that fine body of men of that regiment, but I represent also the officers of that regiment, to whom their honour, the honour of their men, and the honour of their regiment, and the behaviour of their men and their regiment, are as dear or dearer to them than their lives. That regiment has supplied, amongst its officers, some of the bravest and best that have served in the British army; that has a colonel at its head who has served 21 years in it, a major who has been in it 14 or 15 years; and the younger officers, who have not seen service, but who are ready to see it. You have had some of these officers here, and some of those who saw service, and who have proved by their bravery on the field of battle that they are men and soldiers, and possess all the bravery for which the British soldier is remarkable. You have heard also men who are too young to have seen much service, but who would prove that they are not only, as they appeared in this court of justice to be, the most perfect gentlemen, the thorough and high-bred English gentlemen; that they were not only that in every sense of the word, but that if duty called on them to fight their country's battle upon the battle-field, that they would show their bravery equal to every other qualification. That being so, I have no light duty to perform here. You yourselves saw that by this inquiry it was not alone the man it was asserted struck down O'Brien that was sought to be implicated. It was to stain with the crime of murder or manslaughter the escutcheon of the whole regiment that was sought here. Now what are the prosecutors; for I tell you that there are parties behind this inquiry who don't care a button how it goes; parties who, if poor O'Brien was alive, would not give him a shilling, and, maybe, I hope I anticipate incorrectly; maybe, won't give his poor widow or children as much as a shilling.

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They appeared here for the purpose of prosecuting the case, but there are parties behind the scenes in this case who seek to deprive of their honour and fame the regiment I have the honour to represent, and in defending which I trust I will be successful. I trust that nothing that ought to be said on their behalf that will affect them will be left unsaid, but I greatly fear there will. I greatly fear that the hands into which it is confided will not be able to do them justice. Having made these preliminary observations, I must draw your attention, as shortly as I can, and with as unnecessary delay as it is possible for me to do, to the evidence before you. Gentlemen, I think a good many of you are carried away by the feeling and by the impression that taking a life on such an occasion as this is totally unjustifiable, and totally unwarrantable in law, and because it is only stone-throwing, that the soldiers have no right to use their deadly weapons. I think that any person in this Court who has been here so long as I have been, or half the time, will perceive that that is a feeling under which a great many of you labour. Mr. Walters has sought somewhat sedulously to instil that feeling or meaning, but I may tell you, gentlemen, that you were never more mistaken in your lives if you think that is law, that peace officers, or soldiers, or anybody else, who are in the discharge of their duty, of their legal duty, and who are put there to quell riots, to keep the peace, to protect life and property, and to protect the persons under their charge as voters, parties who are acting in the discharge of their duty, voters who are coming in to exercise their franchise; I care not whether they come in under the coercion of the landlord or the clergyman, or whether it is one or both, if they submit themselves to be coerced by their clergymen or landlords, that is fair; but nobody could make him a prisoner or bring him in against his will. I don't care, it is perfectly foreign to this inquiry that the landlords were forcing them in; let it be so. If they were coming under the care of their landlord, they had a right to be protected from being stoned, and from having their heads opened. It was enough for them to be so coerced, and not to run the risk of having their heads opened at the same time. But it was not alone that their own lives that the soldiers had to protect; it was not as to whether they could protect their own lives, their own skulls, themselves; they had also to protect from injury the persons of the voters, and how did they do it? Mr. Walters himself, in order to try to divert attention from the stone-throwing being at the military, asked the question, and the witness stated that it was both at the military and the voters that the stones were pelted, but the military were put there not to allow stones to be thrown at the voters, and how could any man tell where an injury would result from stone-throwing, once the stone left the hand? Suppose one of the stones flung at the soldiers or voters had struck a voter, surely no medical skill was required to know that any one blow of the stone, if it only lit on the right of the skull, the temple, for instance, will take life away. Mr. Walters cross-examined the witness as to whether he considered the stone a deadly weapon. It was amiable simplicity on his part, for we know that one half the homicides that take place in the country at the fairs and other places there from stones, where great riots take place at race-courses and public houses, the people never have deadly weapons—a sword, or a rifle, or a weapon of that sort. These people never think, gentlemen, the lives are taken from those men by them. Look at the recent case of Mr. Jepson, who lost his life by a blow of a stone. Our experience is too great on the subject to question whether a stone is a deadly weapon or not. If those stones, flying from a riotous disorderly mob, were to have killed any of those voters, and while the stones were flying like hail, I would be glad to know what account the military would give to those who would send them, when they were asked "Why did you sit in your saddles, and allow the voters to be killed? Why did you allow that a man's life should be taken, while you were setting starched up by military discipline in your saddle?" That would not be an answer to the charge. I would be sorry to be the commander of that body of men. I would be sorry to be the officer that had to answer for that state of things. I would be sorry to be the officer that would answer that he was waiting for the word of command from the civil magistrates, Officers have had to take their trials for those things before, and I will refer you to one case to show the dictum that was laid down on that occasion. In 1832, Captain Warrington, an officer, was tried for inertness and inactivity in a riot, and for allowing the rioters to go on, because he did not get the word of command from the civil authorities present. But what was stated by Sir Charles Dalbic at the trial in reply to the prisoner's defence? "The principle which most alarms me in the prisoner's address to the Court is, 'that the refusal of an officer to act without a magistrate is in strict accordance with the rules of the service.' Standing as I do here, at the seat of my sovereign, I should ill discharge the trust reposed in me, were I not to record upon the proceedings of this Court, my distinct and decided protest against this doctrine; a doctrine at variance with all the declared opinions of our soundest Crown lawyers since the days of Elizabeth—a doctrine not in accordance with, but decidedly opposed to, the order and regulations of His Majesty's service, as well as to the law of this land—a doctrine calculated not only to destroy the moral as well as the professional principles of the soldier, but to expose the person as well as the property of the subject, to violence and destruction—a doctrine which, if admitted, would enable every officer when placed in command of His Majesty's troops for the repression of tumult, to place the inertness of the civil power between himself and the personal responsibility of his station, and under the protection of such inertness, to shelter himself from such blame and disgrace. . . . His Majesty, with a paternal solicitude for the honour and character of his troops, and still more for the security of his peaceable and well-disposed subjects, has commanded that the law which relates to the suppression of riots by the military, shall be entered in a book for the general regulation and guidance of the army, which is to the following effect:—In case of any sudden riot or breach of the peace by an assembled multitude, any of His Majesty's subjects, without the presence of a peace officer of any description, may arm themselves, and may of course use ordinary means of force to suppress riot and disturbance, and what His Majesty's subjects may do, they also ought to do, for the suppression of public tumult, when an exigency requires that such means may be

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resorted to. Whatever any other class of Her Majesty's subjects may do, the military may unquestionably do also."

Mr. *Waters.*] From what do you read?

Mr. *Julian.*] The book from which I read is "Baker's Law of Coroners," page 237, on military law and riots, Sir Charles Dalbic's reply on the trial of Captain Warrington, for neglect of duty at the Bristol riots; February 1832. I just refer to that at present to show you what is the responsibility of an officer in such a case, and that he could not shelter himself by saying that he got no order from the civil authority. I will come by and bye down to the trooper to show what the law is if the trooper is left by his officer there to be stoned. They are not bound to stand there to be stoned. It is not the law, and it would not be justice. I asked Mr. Greene, the resident magistrate in that chair, if hundreds of stones are not sufficient to justify the soldiers in retaliating with their deadly weapons, and he declined to answer me in point of law. Must the soldier sit there until that point of law was determined by the resident magistrate? Is he to wait until 100 or 1,000 are thrown, or is he to wait until one comrade sees another topple over on the ground a corpse, he is to resort to them. Was he brought there as a target to be stoned and toppled over by a mob? I deny it, it is not law, and it would not be justice. Gentlemen, we have had a case that has been referred to two or three times, in the course of this one, for your assistance, to enable you to follow me as to what is the law, and the facts bearing on the case I will refer to. That is the Dangan case. It will be fresh in your recollections, and what was held to be the law there. There were no doubts as to the effects of guns and lances, as to their being deadly weapons. The case to which I refer was caused by a mob, which was a mob from a fair, endeavouring to rescue a prisoner. What were their weapons? They were the deadly weapons that Mr. Waters wanted us to regard as not deadly weapons. They were stones that they picked up in a field, and not in a good supply either; not as good as in Dungarvan. There was not a policeman laid up for five minutes; there was not a policeman obliged to go to hospital from their effects. Yet what was done? One policeman who had the manliness not to deny it either, but who had not been hunted down by the country and the press, and those I have referred to, as my unfortunate clients have been, he stood forward and said, "I did it; I take the responsibility of the act, and I relieve my comrades from it." He took the responsibility of the act, and I examined him as my witness, and defended him. He admitted that he took the man's life with a weapon, which it was to be hoped Mr. Waters would admit was as deadly a weapon as any other, a Minie rifle. He admitted that he sent the bullet through the man's body with a deliberate aim, because he was being stoned. The police were stoned in the first instance in the open yard, then they were scattered about, and every one fired on his own responsibility. Each one fired on his own responsibility without an order, and although some of them succeeded in getting into a house, it was the very men who were in the shelter of the house, and who were so far safe—it was one of the very men who were in the house, Constable Jacques, who shot the deceased on the open ground, shot him dead on the spot, or at least he died an hour or two after. He did it, and he avowed it, and he was not afraid of the prosecution. The jury could find nothing reflecting on the man's conduct, and they found that the deceased died from a gun-shot wound inflicted by Constable Jacques. The coroner did not attempt to commit him, and the Government did not prosecute him; but on the contrary, he was then a serjeant, and he was made a head constable shortly after. There's a pretty good case in point as to whether a man being armed can be stoned by a mob of rioters. I am speaking now of a matter within my own knowledge. I defended these men, but the facts will be as fresh in your minds as they are in mine. Stones were the weapons used by the mob; the deadly rifle was the instrument used by the policeman when he felt bound to resist the rioter. I think you will say it bears a strict application to this case. Nobody attempted to say there that the stones were thrown like hail, in hundreds and volleys. It was not so; the man who shot him down had the shelter of a house over his head, but the lancers here had only the shelter of their shakos. Well, assuming that these are general principles, I think it necessary to lay them down in the first instance, that you may the more fully and thoroughly understand the argument I will use to you. What is the fact now, as regards this election? I have heard a great many opinions with regard to this election which I am not at liberty to use, or to refer to here. You must have heard them as well as I did, but would you give my clients the benefit of all the rumours that would tell against them? I won't say all do that. Yes, there are jurors in that box that, so far as I could see or judge of, sat there with the most exemplary patience, and have conducted themselves as impartially and as respectably as any jurors that ever sat in the box. I may say that for them, but some have allowed themselves to be carried away by rumours. Their patience was not near as good who did the reverse. You must have, whether you gave expression to your feelings in that box or not, you must have heard some of the rumours, and probably you may have heard them and known them to be facts. I suggest to you, if I am not able to give you rumours, I am not at liberty to suggest that the mob of strangers which were in town at that time, were not extemporised at the moment. I am not at liberty to suggest to you here that those country people and the deceased did not come into town, six miles from his work, without pre-arrangement and pre-concert. We have had men in town that day, some of them were witnesses in town, though no very apparent or any great necessity for their being there. We have had all these hundreds, from a thousand down to Mr. Kennedy's 150. We have had them placed at the bridge upon this unhappy occasion. What brought them there? What brought O'Brien in? Oh! if he was alive to-day, what a different course he would have attempted. Yes, there was one man there. I don't wish to say a hard word of the unhappy man, which I can avoid, but can I shut out of my case the fact that brought him there that day? He had his work to do that day, his honest, legitimate calling to fulfil. If he was not paid by somebody else for doing so, what brought him in? What brought all the people in there without any legitimate calling? There are some persons, I am afraid, behind the scenes who will have

have to answer for it at some other place. Why did those unfortunate people come in here with their passions inflamed, and work pointed out for them to do, and who had more to do with poor O'Brien's death than the lancers of the 12th Regiment? I fear that the parties who sent him in here that day to do that day's work, will have to account for it. Their day of reckoning is to come. He was here, and did his work, and his master, a juror, tells you that he had no knowledge of his absence that day, and that he ought to have been that day at his work. He was one of the 800 or 1,000, or the 500 or the 1,000 who were at that bridge. What were they doing there? But, gentlemen, there is another thing that I have to deprecate in this case, to lament in this case, besides the lamenting of this mob. Who suggested it to them to go there on that occasion, and do the work they were doing, stoning the military? I have also to lament the fact that the authorities who were stationary in the town, the magistracy, whether paid or unpaid; I don't think the fact of a man being unpaid relieves him from the responsibility from the office of the peace he has taken on him. He has no right to expect it, that any officer endeavouring to carry out his duty will allow himself to be interfered with by private piques. I deny the right of the magistrate, whilst stoning or lancing is going on, I deny the right of the magistrate to go up and sit in the drawing-room, and view it from a window. That is not his place, either while the military or the mob itself is being pelted unnecessarily, and subjected to the treatment described. The drawing-room is not his place; I say that is not his place. I say that he and the other magistrates should not have allowed the mob to assemble at that bridge. I don't care whether there were the 500 that Mr. Kennedy deposed to, or the 1,000 that Mr. Greene swore to, they had no right to be left there. Did I put the facts before you correctly? If the mob had not been assembled at that bridge there that day, would you and I be here this day at this investigation? Why not the voters be allowed to pass on, and go up to the Court-house? Would the lancers have been made to line the way; or would there have been any mob to have cleared back, or to be offended by the prancing of the horses of the lancers, or would any one have been charged down the quay, or any death occurred here that day, had the magistrate on whom the responsibility of the peace rests acted that day? I suggest to you, I don't know whether it is unknown to you or not, but I suggest to you that it is not the first time voters were stoned from that very bridge and corner. I don't care whether they were not, but I am inclined to think that this is not the first time. I don't believe it was, but whether it was or not, it was a natural result that it should occur. It did occur, being the natural result. Why did not the authorities in charge clear them away, and why did they allow them to assemble? And my next question is, why did they assemble? Now we have it from Mr. Kennedy, who would not say a word he could help in favour of the military, that Mr. Kennedy was there a quarter of an hour before they came up, and several who were there witnessed it for half-an-hour before that, that there was an assembly at the bridge. What kept them there? So far as I am concerned, I would not stop there for two minutes, for to do Dungarvan justice, it is one of the most uninteresting and uninviting spots you could stop at. I would not like to be skinned there on the 29th of December. It was not the scenery that took those people there. It was not looking at the fish in the bay. I don't know what it was not, but I know what it was, for the troops had been seen going out at 12 or half-past 12 o'clock; and it was well known that the troops were out at that hour to escort the voters who were coming in. It was known that there were voters that were coming in, and I suppose that every man in Dungarvan knew from which direction the voters were coming; and I believe that there was not a man in that crowd that did not know that, that he was put there to know. They accordingly assembled there to meet them, bid them good morrow, and give them welcome when they came. I have a right to assume it, and I believe it, that the assembly were armed with stones, or what was called not deadly weapons in their pockets, for they did not wait to stoop for them. Mr. Martin, who saw them flying then the moment the soldiers came across, said he did not see the mob stoop for the stones before he saw them flying. He says, "I did not see them stoop for them." I asked him did he, and he said no; no, nor the fellow who threw the stone out of Captain Murray's boat did not stoop for them either; he had it in his pocket too. There were plenty besides him who had them also. They went there for the purpose of a riotous crowd; riotous in every sense of the word, which was proved by the witnesses for the prosecution. They went there to stone the voters and the military, which they did. Is that to be tolerated in a civilised community? Are men coming in under the care of their landlords or the clergy, or under the coercion of one or other, I don't care which, are they to be stoned and their lives placed in jeopardy? I say not, and that the man who makes himself one of the mob there makes himself responsible for their acts, and even for the results of their acts. It is greatly to be deplored that loss of life was the result here; but even the taking of life on the scaffold is to be deplored, and I know that I myself would raise my voice against taking the life of my fellow man under any circumstances. I think that he ought to be allowed to live and repent. It is sometimes the necessary result and the necessary consequence of acts that, even without intending it, life is taken and life is forfeited. I think that the circumstances of the death of William O'Brien go to show that his life was never intended to have been taken. Whatever caused him to fall I don't think that would argue that he was intended to be killed, but he lost his life, and it was the result of his own unlawful act. That he was in this unlawful assemblage I think it is clearly established in evidence. Why did he go to the town, and from his work? Why was he going from the bridge at the time the troopers had driven the crowd partially away from the bridge? Then he is actually found with a stone in his hand. I don't know whether my learned friend in this place will ask you not to believe that. I hope if he asks you not to believe it, I hope he will tell you what brought O'Brien into town on that day. I don't know, is it possible that Mr. Waters was left to this hour by the next of kin of the deceased, was he left in ignorance of the fact that the very employer of this man was on the jury? Has he been left in ignorance by the next of

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of kin as to what brought the poor man into town that day? I don't believe he has been; but with the skill and adroitness which form part of our profession and pursuit, we don't feel called on to give evidence that will stand against our case; but with clever skill and adroitness they have only given what will strike against the military, and he has followed the practice, and has given you no satisfactory account of what the deceased was doing in town that day. I think you may well complain that nobody has been produced to give you that account. Well may you complain, because you are not told what he was doing that day. Was he at his proper legitimate occupation, or was he a rioter, and I suggest to you that that has been sworn to in evidence. Mr. Waters is not only doing you an injustice, but doing the military an injustice, but he is doing the poor deceased man an injustice in leaving it open to me to look on him as a rioter. He must know it. It was by the merest chance that I heard that the employer of O'Brien was upon the jury. I came here knowing nobody to represent the military who know no one. I know nobody, and could refer to nobody, and I may tell you that it was by the merest chance that I picked up that information. Mr. Waters was in the centre of all who knew what was done in the background. He could give any amount of information, and, if he desired it, he could have given you any amount of information on the subject. Now, gentlemen, if, as I state, these people were there, and assembled there to watch the voters coming in, and assembled there armed with stones, Mr. Waters will perhaps tell you in reply that they were not armed with stones, or he will try to lessen the effect of what I am saying, that they had a right to be there. I ask you to draw the fair and just inference as to what brought them there. I don't care whether you infer that they had stones there or not. If they did not pick them up, had they none in their pockets, for you have it sworn that before any offensive conduct was used by the military they were stoned, and stoned by hundreds. Mr. Waters will tell you that we ought not to give the go-by to the evidence of Mr. Kennedy, the gentleman who said that he adjudicated, but did not preside, nor do I think that it ought to be passed over lightly, nor do I think that I ought to pass over Mr. Redmond, who represents the independent and impartial "Waterford News," nor the evidence of Captain Curran. It is extraordinary that these three such gentlemen should have got into a particular spot. There must have been something in the air that day that had afflicted with partial blindness the people who were there. Mr. Kennedy was in the window on the one side, and Mr. Redmond was at the railings on the other side, and Captain Curran was placed close beside him. I think from their evidence here, there was not one of them who saw a stone thrown. They saw the military prod at and savagely assault and illtreat the populace; and they all swore that one after another, and showed that they were the advanced guard of the prosecution in this case. They were put forward prominently as parties who ought to carry you and the authorities with them. Not one of them saw a stone thrown until the lancers charged down the quay; not a single stone was thrown. Mr. Redmond swore that he saw a single file of cars bringing voters over the bridge, when not a single car was there, and not a single stone was flung, he says. He saw the cars which were not there, but he did not see a stone thrown. It was admitted by Martin that the moment the military went to drive back the people the stones began to fly; and Martin was not selected on the other side for his favourable feeling towards us, but he was selected because he could give a very coloured account of the transaction. However, he saw with both eyes; but the three gentlemen I told you of before, they not only saw with one eye, but they did not see the mob doing anything. This is discreditable, disgraceful, and lamentable that this inquiry has been prolonged by witnesses not telling the truth. They ought to have told you what really did occur, and not to be putting it on me to produce witness after witness to prove what did occur. It is fearful to think that the witnesses will allow their prejudices to carry them away to such an extent, and that instead of at the end the young man Martin had been put on the table first, you would have been saved the examination of many of my witnesses. Martin said that he saw them coming over the bridge, and that then a moment or half-a-minute after that the stones were flying. Mr. Redmond could not see that without his glass, but he could see a string of cars. The magistrate who was examined could not see either. He saw inside of the railings, and all the other witnesses saw that there was much stone throwing going on there, but the magistrate did not see them doing it at all. Gentlemen, I said it was not doing justice to that magistrate, nor to the newspaper owner, nor to the ship captain, by passing lightly over their evidence. I will really say very little more about them, as they are not worth it. I am sorry for my own sake that they were ever brought here. The only thing I will think worthy of any remark is concerning the justice of the peace, to show you a specimen of the way in which it is sought to misrepresent men second in humanity, honour, and bravery to none, and endeavouring to represent them as the most cowardly and inhuman that the earth could have produced, if they were guilty of the act that Mr. Kennedy deposed to. I say it unhesitatingly, that there is not one of the officers of that fine regiment that would not condemn the fellow that would be capable of following a child of tender years. But Mr. Kennedy would not allow that he was a child; he said a child of 14 years. He fixed on that, and I don't care whether he was or not; but upon his own statement I will pin him. He said that he saw a child of tender years, of 12 or 14 years, fleeing from an infuriated trooper at the railings, and seeking to protect himself by ascending them. He fell, he said, to the ground; and in his direct evidence he said that when he made a second attempt to ascend the railings, the lancer rode at him and pierced him with the lance. On his cross-examination, however, he sought to qualify it a little; and when I wanted to know where the boy was, and had he inquired into the injuries he had sustained, he was not sure then whether the lance had entered the skin or entered the body or not. I don't know whether, in estimation of the humane justice of the process, he improved his evidence; but there he was, while the trooper rode at the boy, and who with all the force, he says, he had, drove his lance in his back. When he said that, I asked him, did he sit quietly and calmly to see that done? He said he did.

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He saw those men go back, round the Court-house; and in five minutes after he came out, he says, and when he came out he never inquired for the child whose back had been pierced by the lance which had been driven at him by the lancer with all the physical force he could use. That is the gentleman who has been entrusted with the preservation of the peace, who says he had seen it. He set out about the town, but he never inquired how the child was since, or whether he had been injured. But, gentlemen, he is not half as bad as he represents himself to be; for I believe that if he really saw such a thing, he would have dashed out of the room, rushed down stairs and out of the hall door, and strive to catch that savage brute who did that. If he witnessed what he states he would have done that, but he never saw it done. He is on the horns of a dilemma, and I don't care which he takes, but he never saw it done. I have not the pleasure of this gentleman's acquaintance, and I have no particular desire that I ever will; and I suppose he thinks so still more. I don't know whether he is a peculiarly imaginative being or not, but I will go home to Cork, having come to the conclusion that he is one of the most imaginative gentlemen in all the county of Waterford, and that he has there imagined a scene that there is no more foundation for than the most extraordinary tale which we find in "Fairy Tales," or in the "Adventures of Baron Munchausen." That never occurred, and that is the proper explanation of that gentleman's testimony. But you will think that is unfair and trifling with your time, and I will not be surprised that you will think so; but I do so to show by what swearing and what suggestions it was sought to tarnish the honour of that regiment, and deprive them of their well-earned reputation. I have done with him now. That the stones were thrown in thousands by that infuriated mob, who pelted the police and military and voters, is beyond all doubt. Granting the case for the prosecution, now, to have some little truth in it, if you have witness after witness, of unimpeachable veracity, who have no interest in the case, and who are brought here by telegram suddenly, and who would scorn to submit themselves to a consultation with counsel, or who would take any suggestion if either I or anybody else would make it to them, who had not the slightest interest or anxiety about the result of this case, the evidence of such men is more reliable, more truthful, and more unimpeachable. I do not now refer to parties who have sympathies for one side or the other, or who had sympathies with Mr. De La Poer or Mr. Talbot. I refer to gentlemen who had no sympathies one way or the other in the discharge of the duties that the Government imposed on them. These gentlemen came into that chair, and deposed that the military, in putting the people back that day, did it with no unnecessary violence, and in no manner not required by the exigencies of the case. Mr. Waters asked over and over again of the several witnesses, was there not plenty of room for the voters to pass? To be sure there was, and did I ever deny it? Would it not be doing your intelligence an injustice if I told you that there was only a narrow lane for them to pass through. There was plenty of space, a wide, open space; and that there was very little trouble in opening a line through which to pass. But, gentlemen, that was not enough, and I ask you to call in your own experience; I ask you to test your own recollection of such scenes, that if a mob of 200, 300, 400, 500, or 800 had been there half-an-hour before the voters came in, if they were there with that intention, and do you not think that if they were allowed to hedge the escort in very closely, do you think they would not, in a moment, before the military would be prepared for them, have crushed in and tumbled together into one mass, let fly their stones, and try to get the voters as they did the day before from other troops? Don't you think the voters would have been rescued from the military, if they brought them over in such a way as to let them do it? Mr. Greene told you that they had ordered the crowd to be put back, to leave plenty of space, and to prevent the crowd being brought in, or attempting to rush in. If they had not been kept there for the purpose, if they were not brought there that very movement should be carried out, so that no riotous mob should be drove in on the voters and rescue them; and the only way to do that properly was to drive back the people or the mob well, and you know that they did that, and you know the result. They put them back well, and cleared and left a wide open space. That is the good effect of a wider and more open space, that they more easily detected the wrong-doer; but if they were limited, or tumbled together, the wrong-doer is less easily detected. The precaution was taken, and Mr. Greene, the resident magistrate, told you that it was not taken with any unnecessary violence or force to the crowd. The troopers' horses cannot pick their steps as nicely as any of you. They did prance and rear, and will do so, even if the troopers themselves don't wish it; and one young officer told you that his horse did it when he did not wish it. But they will do so, particularly if they have a shower of powdered paving stones flung on their backs. That is also likely to stir the temper of the troopers; the horses and the riders to get showers of stones like hail, flees one side; and they had no interest in the matter. They came in showers, like hail, one gentleman said; and the horses being subjected to that rough treatment they capered, and I suppose the troopers themselves made them do so, in order to keep the people back. I have been often close upon troops upon many occasions, such as processions, and if a person don't keep well out of them they may be hurt, for they prance very uncomfortably and very much disturb one's nerves, but it was because they did so for the purpose of keeping back the crowd; but how much more would they do so if a shower of powdered paving stones were sent at them, to the imminent risk of their lives. Mr. Waters will tell you that there was no harm done; but not one of the fellows in Dungarvan knows the soft spot on which to hit him with the stone, nor does he throw it so softly that they could imagine or fancy that it could do no harm at all. He will tell you that it is the peculiar life of soldiers to sit and endure the thing, and laugh quietly at it; that it was a refreshing shower that was sent at them; that they should have sat very quietly and being pelted at, without any fear that their lives were in danger. Those Dungarvan fellows would do no injury at all, and can hit softly. These troops were to have waited quietly until the harm was done. The troops must look forward to no danger at all. They must really take for granted that the stones will do no harm in Dungarvan, and sit in their saddles until they are knocked off.

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Gentlemen, that is only Dungarvan law, but that is not the law of the land. I would be sorry to live in the land where it was the law. I would like to see any of you in this case. I don't know which of you would like to be in the position of a military man, dressed up in a lancer's uniform, and whether you should not look well in it; but I should like to see one of you dressed up as a lancer, with a mob of even 200 at your back throwing stones at you, and I don't know whether the uniform would not make you feel uncomfortable, or give you a sense of security. But I really ask you, without making a joke of the thing, to put yourself at the head of a mob that day in a trooper's uniform and accoutrements on you, if you had some of the stones striking off you, and as one of the witnesses, Corporal Hughes, who said he was struck five or six times. Suppose it was only one, and that you escaped from shots, by dodging to the right and left, it is plain that you would not feel that you ought to sit there to be stoned. I don't know whether this respected barrister, who has been resident in Dublin for some time, would have been of so self-denying and amiability of mind, so forbearing of character and disposition, that I cannot at all understand why the troopers' temper should be tried at such a state of things. But, putting aside the troopers, and the only support which a soldier must expect if he is to be assaulted, and put yourselves in his place, and get struck with a lancer's uniform on you, as several were; and we have had an officer who was examined, and whose very shako exhibited the mark of a stone on it. It is monstrous not to expect, I was going to say, that a man of fine family, who takes to the military profession, a gentleman and an officer being obliged to submit to be stoned, with only a shako between him and death. But I will take the meanest corporal or private in the regiment, and I say it is a monstrous thing that he is to sit there and be stoned by a riotous mob or an unlawful assembly, and wait until his meek but very responsible officer should remark the circumstance, and order him to charge. I deny that the troops, or any private, is to sit to be stoned until his officer tells him to resent it, and until he is knocked off his horse, and he is unable to protect himself. You would not do it. I will take any man in that box, I don't care how poor-spirited he is, so that you will not resent an insult, and that you will not follow the doctrine that you have learned; the Christian doctrine that if you are struck on the one cheek, you are to turn the other also, particularly if we feel we are discharging a legal duty; if we feel we have been put in a position of danger, because men in society choose to get into Parliament; if we are put there to protect them and their voters, not caring whether they got into Parliament or not, and that we are all obliged to sit it out, although we have no part or interest in it. That is the argument at the other side, but it is no argument at all. We should have been sitting there until we should have left our killed or wounded that day. I admit that they had no worse wounds, and let Mr. Waters make great capital out of it, and turn those wounds into ridicule. I have not the remotest doubt that they, with the view of this inquest, that this very inquiry was made of the wounded man on the occasion, and why would it not be so? The lancers had been denounced by the papers, and denounced as the slaughterers of the innocent people of Dungarvan. The headings of the papers set forth "The massacre in Dungarvan," and so on, and the next thing was that a jury was sworn to know what was the cause of O'Brien's death. Would it be right for them to say that none of the troopers had suffered? Of course it was necessary to see was the taking of that life to be put upon them; was it forced upon them, and with a view of seeing that, you were asked what took place? It was discovered, and there is no doubt of it, that stone throwing took place, that some one had been hurt, and it was necessary to find out that some one had been hit. I think if any of the soldiers had been killed, they would have taken very little steps or trouble in the matter. Probably it would not have been thought worth while holding an inquest on him, and he would have been buried with military honours, and the affair would have died out quietly. No military action would have been taken against the townspeople, and indeed it would have been hard to identify who the person was that struck him. I am prepared to hear Mr. Waters dwell a great deal on the license that is necessary to be given and taken at elections. I am sorry that it is so, and I don't think any lover of law and order will say that it is right. I don't think it is an argument at all, or I think it is a very bad one. There is very great liberty and license allowed, and I don't see why rioters taken in the fact are to be allowed out on their recognisances on the day after. It was not the rioters' fault that they did not take life, but the rule does not in the least take from the fact that stones were flung in hundreds, and that they were only flung by dozens. The man who flings the stone can never tell where it goes, or what will be the result of his act; and if that license is to be allowed, and if stones are to be thrown; if mobs are to assemble with stones in their pockets, and are to be allowed to act with impunity, I say that is a thing which no lover of law or order, or any right-thinking person will ever sanction or advocate. But I don't care who else adopts that course. I have little politics and take little part in them. My pocket is my politics. I have certainly political leanings and predilections, but I can say and feel that the conduct stated to be followed here, as well as in all other places where it is followed; I don't agree that mob-law and stone throwing is not to be deprecated by every just, upright, and peace-loving man. No man will ever put forward that it is the license of election times. I don't see why license should give rise to terror at an election more than at any other time. I think, on the contrary, that a stronger hand should be held; and more precautions should be taken, as it is a time when a man is probably likely to be carried away by his feelings, and there is more necessity for restraining him, and when men are found out going to or committing acts of violence, I would be for making examples of them, and if examples were made, there would be less of them. I don't care whether he may be a Radical, a rebel, or an Orangeman, or any other man, if you catch him doing wrong, give him the fullest penalty of the law, and he won't do it again; but if you allow him out the next day on his own recognisances, you will have it going on every day when the opportunity presents itself. It is a dangerous principle and a dangerous practice to advocate such a doctrine. I greatly regret having to occupy so much of your time, but I cannot help it. I feel that I would not be discharging my duty, if I did not do it. We have acted with due regard to your convenience and feelings up

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to the present moment, and I am sure that you will do so now with me to the close, which we are now approaching. You complained over and over again, that you had a great deal of evidence not belonging directly to the inquiry here, and I must say that that is so. It was done with an object. That object I have already referred to, and I shall not refer to it again. Let us come to the matter we are here to determine as best we can; and if it is possible, let us try to select from the mass of evidence into which we have been led, and try to escape from the maze into which we have been carried, if possible, and see if they will narrow our observations to a solution of the injury which we are met here to investigate, poor O'Brien's death. Now, there was given you no evidence at all on the subject, but two or three witnesses. And now, gentlemen, before I go further, I must refer you to a little more of the law on the subject of rioting. I read a short time ago for you, and I told you that I undertook to justify, and if I don't succeed in carrying your verdict with me, I will at all events carry the opinion of every lawyer in the land with me, when I say that the conduct of the military on this occasion was justified to the fullest extent in point of law and order, more particularly in stating that case in point of Wm. O'Brien. It was not fair or just to me to introduce into this case what ought to have been left to the next, the killing of poor Keily, and have not given every circumstance of it. If the same rumours prevailed, you have not got the true version of Captain Keily's case. It was introduced for the purpose of prejudicing your minds. I will not for the present embarrass it by saying too much on the subject. I will confine myself as much as possible to the death of O'Brien, and the witnesses who saw the occurrence. I do undertake to say that a more justifiable death under the circumstances, never took place, and I will be joined by every lawyer in the land when I say that the death was justifiable. I see my friend's pencil again at work. He will have the last word to pass on it. I don't mean that I am glad the man's life was taken, for I regret and deplore it, and every one I represent also deplore it, but I say what took place was justifiable, however deeply it is to be deplored. I have read for you what was stated by a judge on a trial upon an officer who did not do his duty, and I will read the dictum of other justices on trials under the same circumstances. I will refer you now to the opinion of Sir James Mansfield, when Chief Justice, which he delivered as follows. (I am now upon a matter directly in point.) Mr. Waters has put it forward that the military are bound to submit to more than anybody else; that is not law; that is not justice; and you will see that it is neither one nor other. Chief Justice Mansfield says: "Since much has been said about soldiers, I will correct a strange mistaken notion which has gone abroad, that, because men are soldiers, they cease to be citizens. A soldier is gifted with all the rights of the citizens, and he is as much bound to prevent a breach of the peace or a felony as any other citizen. In 1780, this mistake proceeded to an alarming degree. Soldiers with arms in their hands stood by and saw felonies committed, houses burnt and pulled down before their eyes, by persons whom they might lawfully have put to death, if they could not otherwise prevent them without interfering; some because they had no commanding officer to give them command, and some because there was no justice of the peace with them. It was the more extraordinary, because formerly the *posse comitatus*, which was the great strength to prevent felonies, must in a greater proportion have consisted of military tenants, who held lands by the tenure of military service. If it is necessary for the purpose of preventing mischief, or for the execution of the laws, it is not only the right of soldiers, but it is their duty, to exert themselves in the execution of a legal process, or to prevent any crime or mischief being committed. It is therefore highly important that the mistake should be corrected which supposes that an Englishman, by taking upon himself the character of a soldier, puts off any of the rights or duties of an Englishman." That is what Chief Justice Mansfield says upon the subject. In the same book, page 239, Lord Chief Justice Sir Nicholas Tyndall, in opening the special commission at Bristol, said that "In the first place by the common law every private person may lawfully endeavour of his own authority, or without any authority or sanction of the magistrates, to suppress a riot by every means in his power. He may disperse, or assist in dispersing, those who are engaged in it from executing their purpose; he may stop or prevent others, whom he shall see coming up, from joining the rest; and not only has he the authority, but it is his bounden duty, as a good subject of the King, to perform this to the best of his ability. If the riot be general and dangerous, he may arm himself against the evil-doers to keep the peace. Such was the opinion of all the judges in the time of Queen Elizabeth, in a case called the Case of Arms (Popham's Reports, 1821); although the judges add that it would be more discreet for everyone in such a case to attend, and be assistant to the judges, sheriffs, or other ministers of the King in doing this." There Sir Nicholas Tyndall stated that it was the right of every private person to repress a riot. Here there was a riot of a most dangerous character going on, and the men who would sit in their saddles and allow it to go on until people were killed, would have been liable to be tried for it. However, gentlemen, I will refer you upon the same subject to the dictum of another learned judge. This was on the occasion of some rioters being tried in England. In the same book, page 251, New Court, 19th June 1848, before the Common Serjeant. The prisoners, Cauling, Callaghan and others, who had been convicted of assaulting the police, were brought up for judgment: "The Common Serjeant addressing them said, that they had been convicted after a very long and patient inquiry, occupying more than nine hours, of the offence of riotously assembling together, and assaulting the police in the execution of their duty. An attempt had been made to show that the police had exceeded their duty, but it had failed entirely, for the evidence clearly proved that they had used no more violence than was necessary for the preservation of the public peace." But Mr. Waters wishes to make you believe that the soldiers ought to sit quietly in their saddles while stone-throwing was going on; that is Mr. Waters' law; that they must sit in their saddles and be pelted and stoned in that way, This has no application to the case of soldiers who are brought out to protect voters. It has nothing to do with it. Will Mr. Waters say that they ought to have retreated that day before taking steps to repress them.

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What nonsense, gentlemen; to think that soldiers should have retreated before these. Is that his suggestion, that they should cut off with themselves as fast as their troopers could carry them? They had only the two courses open; to do that, or sit down there and be stoned. But these troopers rode down here to preserve the public peace. What were they taken out for? To preserve the public peace. Were they to prevent stone-throwing or not, because if it was only a little hooting and shouting they would not be sent there. Do you believe Captain Barry would have sent for them if there was only hooting and shouting apprehended? It was because they apprehended stone-throwing that they were sent for. The Common Serjeant said on this occasion: "An attempt had been made to show that the police had exceeded their duty; but it had failed entirely, for the evidence clearly proved that they had used no more violence than was necessary for the preservation of the public peace. They might with perfect propriety have prevented the meeting in question from taking place on the Sunday, but they did not do so, and remained perfectly quiet, and committed no act of aggression until Shackall, the inspector, was attacked and severely injured. If men would commit these acts of violence they must take the consequences; and it was impossible to measure with nicety the amount of force that might be used to repel them." "If men," say the judge, "will act in this way they must take the consequences." Gentlemen, I asked you to forget the strong feelings which you have brought with you into that box. I would have as strong feelings as any of you if I went in there. I don't believe you have heard a voice raised in favour of the lancers outside. I don't believe it possible that I could afterwards be sworn in as a juror and not be strongly prejudiced against the lancers. Did you hear any voice raised against them in the town of Dungarvan to-day? Forget all that, I beg of you, while you listen to the law laid down. It is not my law, or Mr. Waters' law, but the law of the land, laid down in that book; and from that book the Coroner will charge you in this case. It is the law laid down in that book, "Baker's Law of Coroners," in which the judge said, "If men would commit these acts of violence they must take the consequences, and it was impossible to measure with nicety the amount of force that might be used to repel them." If a trooper is obliged to ride against an infuriated crowd that is pelting him with stones, it is impossible to say what amount of force is to be used, and no more. Where is the human being that could guide his arm to give a blow on such an occasion? "Oh," said the poor trooper, "Major, flesh and blood cannot stand this; are we to stand here to be stoned?" and Major Wombwell, with a bravery worthy of the true British officer, replied, and said, "Yes, men, we must all bear it; we must all stand it." But, gentlemen, his bravery carried him further than the law required; military discipline and law are very strict, and it is right that they ought to be so. The officer who is sent out in charge of troops is responsible for every act of theirs; and if he do wrong he will lose his commission, or probably more; and, consequently, he is desirous of preventing the soldiers acting, and allowing them to suffer; but no man is more ready to face danger than the British soldier, and there they were called upon to face danger, to face it where there ought not any to have been; and an officer, anxious for the discipline and character of his regiment, answers the complaint of the poor trooper, "Yes, men, we must bear it; we must all bear it." But, gentlemen, they must not bear it if they are tried beyond what human nature can endure. They are not to sit in their saddles until they are stoned from those saddles. The learned judge goes on to say: "It was laid down by Lord Hale that officers were justified at common law in resisting, even to the last extremity, for their own protection and preservation of the public peace; and it seemed to him that, in the present instance, the police have done no more than their duty." Further, and on the same subject of unlawful and riotous assemblies, I will read some extracts from a charge of the Lord Chief Justice Tindall to the grand jury, on the occasion of the trials at Bristol, under the Special Commission in 1832, where he says it was unnecessary to obtain from the authorities orders to disperse a riotous mob, such as occurred in the earlier part of the same day. It appeared that on that day they proceeded to great acts of violence, greater than had been done at the outset, and the Chief Justice thus referred to the power and duty of the subject: "In the first place, by the common law, every private person may lawfully endeavour of his own authority, and without any warrant or sanction of the magistrate, to suppress a riot by every means in his power. He may disperse or assist in dispersing those who are assembled; he may stay those who are engaged in it from executing their purpose; he may stop and prevent others coming up from joining the rest; and not only has he the authority, but it is his bounden duty to perform this to the utmost of his ability." That was what any private person might do without any warrant whatever. The private individual is bound to prevent others from joining the rioters, and prevent breaches of the peace. I have read for you that he may arm himself to do it. How could he stop an infuriated mob if he would not be at liberty to do it by any possible means. In stating the obligations imposed by the law on every subject of the realm, the Chief Justice observed: "The law acknowledges no distinction in this respect between the soldier and the private individual. The soldier is still a citizen, lying under the same obligation, and invested with the same authority to preserve the peace of the King, as any other subject. If the one is bound to attend the call of the civil magistrate, so also is the other,; if the one may interfere for that purpose, when the occasion demands it, without the requisition of the magistrate, so may the other also; if the one may employ arms for that purpose, when arms are necessary, the soldier may do the same." These are not my words; they are the words of Chief Justice Tindall. He says, "that if private persons may arm for the stopping of tumultuous proceedings, so may the soldier." Nothing short of what they did down the quay that day would have stopped the stoning; as to the death taking place, I am sorry; but it was the inevitable consequence. The parties who engage in a riot must take the consequences. We are still further told by this learned judge, that by the common law not only is each private subject bound to protect himself, but that he is also, whether magistrate, sheriff, or other officer is present or not, bound by every means that in his power lies

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lies to suppress riotous proceedings; that he may disperse or assist in dispersing them, and prevent others from joining them. This is in respect to rioters; it is dealing simply with rioters, who are told they must take the consequences of their own acts. Now, gentlemen, I have done reading passages of law for you from this book, save the concluding one, which is very short, and bearing on the whole of the others. It is a very few lines to this effect, in page 259: The result of the whole of the above able charges, as far as respects the duty of the coroner, appears to be that in the event of a death occurring by means of any such riotous assemblies, if it be of one of the civil or military authorities, or of a private individual engaged in repressing the riot, it would be wilful murder against the party committing it, as well as against those who were by their presence aiding and assisting in it; and in the event of the former killing one of the latter, whilst engaged in such riots, "justifiable homicide." These are the words of the book I am reading for you. If the mob make an attack on the military, peace officers, or respectable civilians aiding them, and kill one of them, then the crime will be wilful murder against the party killing, because he is engaged in an unlawful act and cannot justify himself; but if, on the other hand, one of the rioters is killed, it is then laid down to be "justifiable homicide." Gentlemen, I won't say that I care not what your verdict is. I do care what your verdict may be. I have not the great pleasure of your acquaintance; but you are taken from the respectable inhabitants of Dungarvan, and, that being so, I would be sorry to say I care not what your verdict may be. I would, of course, a great deal rather that your verdict was with me and not against me; but with the exception that I would like your opinion and your verdict to go with me, and that I should secure the opinion of all right-thinking, peace-loving people; with the exception of that, I say, I care not otherwise what your verdict is, because I know and feel that whether the verdict be one way or the other, that I will have the opinion of every lawyer in the land with me, that it ought to be "justifiable homicide." I care not for any other results that day, for I defy all the lawyers in the land to make any other result. I defy them to produce any other result than justifiable homicide; and I would wish to have it from the outset stated, and I pray and beseech of you to be cautious how you find any other verdict. And now, gentlemen, having read for you the law, and given it as I found it, I will go as shortly as possible to the facts of the case, which I was proceeding to before I read these passages, and with the exception of stating these facts, I must leave the case in your hands, because I am totally incapable of proceeding further to other matters. I will narrow myself as much as possible to this poor man, to the important circumstance of his death, and the cause of it. The first witness who said anything upon the subject was one from one of the boats. It makes very little difference where he was; I will endeavour to refer correctly to his evidence. I think the first who said he saw anything of the death of the poor man, saw him attempt to run across the quay, and saw in his effort to run across the quay, a trooper riding at him and furiously striking at him in the poll with his lance. Meley, I believe it was, swore that. I ask you to say two things in this case, and if you don't say two, at all events from the law that I have read to guide you, that you must say one of them. In the first place, I will ask you to say, and believe as men of common sense, that this man's death never was caused by the blow of a lance, and I will ask you, and I am perfectly right, in point of law, and I care not a whit whether, in point of law, his death was caused by the blow of the lance or the charger's breast, or in what way it was produced by a lancer; I say, that no matter what the cause, it must have been justifiable homicide, even if caused by them. But I must ask you to say, as unprejudiced men, and you must say that a lance never caused that death, after you have considered the facts. To the hour of my dying day I will never believe that any lance ever caused his death. To my dying day I will never believe that the man died from the blow of the lance. It is incredible. That fellow, Meley; but I will not call him fellow, I will withdraw the word; he swore he threw no stones that day. I don't know whether any of you know what business, or what he was doing in town that day. I don't go with him in all he says. He was in a very strange place. He says that the deceased was at the quay side, and that in attempting to run across, a lancer rode at him, struck him with a lance, and knocked him down. One of the jurors at the time remarked, with very great discrimination, and very fairly and honestly to the military, and I regret, really, that I have not more instances to refer to in my recollection; I wish that some observations had not been used, and I wish I could believe that they did not believe them, and if there were some of the instances I am referring to had never occurred, and that I could look back to the evidence with greater pleasure. But I look back with very great pleasure to one of the juror's remarks, to one who could see two ways. I saw that he could see things for as well as against the military, and who showed it fairly. That gentleman of the jury asked him how it could be that he got a blow on the poll if his face was turned towards the trooper, in running from one place to another; but another juror came to his rescue and said that it was half-round. The witness said that was the case, that it was half-round; but then he would have put him more in a direct position to run across the quay, and he would not have had to face up to the trooper. But now I don't care whether he was half-way or about half-way; it was impossible whichever way it was; and I don't care which way you take it; it is impossible that he could have got the blow from the lance. But what was the medical testimony given to you here? Dr. Anthony found a lump or wound; but Dr. Hunt did not find any traces of injury at all. I don't comment on that; I will say nothing about it. Dr. Anthony describes it as being on the left side of the bone, on the occipital bone, and not very far from the left ear. Taking that he was directly opposite in passing, and being further removed down the quay towards the Root Market, in running, if the lancer made a blow of his lance at him, it was the right side of the skull that would have been cut there. How on earth could a lancer prod round a corner? The evidence of the servant girl described the lancer as charging at him with the lance as he passed. If that be so, it is utterly impossible that the lancer could have struck him on the left side of the poll.

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poll. If you see a word of truth in the swearing of Meley and the swearing of the servant girl, namely, that the lancers rode full tilt at him, and Dr. Anthony was never examined again, even after the lance was produced, and I asked Dr. Anthony whether the lance that was drawn could have given such a wound, and he would not answer until he saw a lance. He was never asked afterwards. He was never asked whether the butt would have produced that wound. The evidence given by Dr. Hunt, who comes after him, was that the lance would not give the wound. Dr. Hunt says, unless it was struck at some tremendous angle it could not produce that wound, and that if he was given that wound in that way, it would not have struck him down. I say that if a wound was given by the lance in the way described, it would have smashed his skull. You have enough positive evidence of Meley and the servant girl to say that he was struck by the lance. I would be inclined to ask you to believe that that was rather from the violence with which he fell when running, that he got the concussion of the brain. Let it be that the charger hit against him, if he was breasted by the horse. Mr. Waters will probably tell you that they had no right to ride down the quay, but I say that they had a right to ride down the quay; I say if any man was in the act of flinging the stones, and if he was rushing across the quay at the moment, and he was breasted by the trooper, or by the horse of the trooper, who was galloping at a rapid pace, I say, under the circumstances, he is not responsible. But if it was done by the blow of a lance, it is incredible. Dr. Anthony has tried to put an inference into the box, that it might have been given by a blow of a lance, but there is no evidence on the subject. I ask you to say that the blow of the lance never did it. If you find it was, I raise the point to say that the witness was not telling the truth. It is not that I care how it occured, but because I assure you that they have not been telling the truth. They are not telling the truth .O'Brien was there, rioting and stone-throwing, and those people are giving this case a colour that the facts do not warrant. Dower saw a charger ride close to him, but he did not see the lancer strike him. No one else saw the lancer strike at him but Meley, who was there, but did not throw a stone. The other witness was the servant girl, and I ask you, do you believe she was telling the truth? I believe that she has not sworn the truth, when she swore that there was only two people standing by her master's place. Captain Murray and Captain Dower contradicted her. One person swore that 10 persons ran away from Keily's house, on board the boat, and the other swore to 20. I don't believe that there is in the nation such a savage, that would attack an unoffending quiet citizen in Dungarvan, standing at his own door, and speaking to 12 or 13 innocent, peaceable citizens, none of them saying that they were a mob or in a crowd. I will not believe that the British army contains a savage that would ride up furiously at that gentleman, and make a prod at him, first at his neck, and then, missing it, make a second at his chest, and cause poor Captain Keily's death in that way. The lance that inflicted the wound was never intended for him. You heard her state how he got the wound, but you know the creature is not telling the truth. She states that she herself saw him get the one prod which missed, and then another, and that did not miss him. She tells you that she saw him look at O'Brien; that she saw the lancer ride to the gate, and how is it that none of those men produced corroborate this servant girl? Because there was no truth in her statement. Where is the woman whom the lancer made the thrust at, and missed her? She states that she was looking on, until he made a prod at the woman, and until he stabbed Captain Keily, and she saw O'Brien run away down the quay, and that she called down to somebody on the quay to bring back her master's son, who was running down the quay. Well, a few minutes before her exclamation was "Oh! merciful Jesus, the master is killed!" Do you believe that a man, or a woman, or even a beast, would cry out "Oh! merciful Jesus, the master is killed!" and not rush down to her master, and that she only kept looking on at O'Brien? Do you believe her story? She is not telling you the truth in this case, and she was telling you an untruth in Keily's case, or what seemed to be an untruth. I am sure, from your knowledge of the facts of that man's death, and I tell you that she told an untruth when she said she saw the trooper riding at O'Brien with the point of his lance, striking at him, and knocking him down. I tell you, gentlemen, that the witness who makes up her mind to tell an untruth in any part of her evidence to please anybody, or to colour it to please anybody, if you cannot believe her in one case, you cannot believe her in another. It would be an unsafe principle to act upon if you did. You must scout it here, because the evidence of the witness here diverges from the truth. On your oath you cannot help it. You cannot take in part of her evidence, and cast out the other. After the evidence of those two witnesses, you have no evidence to show that there was any assault committed on the man by the trooper. I only say that that is an argument to show that we have not got out the truth, and that in point of fact a colouring is sought to be thrown into the box, and a conclusion that it does not warrant. Come to the conclusion as much as you please that the trooper caused his death, and found your verdict upon it, but I say that you never can find that the butt of the lance caused his death. Suppose any other death occurred here, and if you regard your oath, and I am sure there is not a man in that box who does not regard his oath; now if you have a regard for your oath as strictly, and watch as calmly and as carefully as you ought your verdict in this case, you must not for a moment consider a word about Captain Keily, or the cause of his death. You are not here to consider how Keily met his death. You are sworn to inquire how O'Brien met his death, and that alone. Suppose there was any other death, was there anything to warrant the language used from the beginning to the end of this case; the language used, the denunciations of the military, and the colouring that has been endeavoured to be given all through this case? A very slight thing causes death sometimes, and in O'Brien's case it was so, and when that cause of death was undiscoverable on the day, it could not be even proved by Dr. Hunt; there was nothing in it that could not have been given by any of the stones that were thrown by the mob that day. I suppose it was the horse that breasted him. Nobody would have heard a word on the subject, if he was killed by a blow of a stone from

from the mob. The soldiers had more serious wounds than O'Brien, but, from the state of his body, a more trifling thing might have produced death with him. Take the wound as it stood, and there is as nothing in the fact to warrant the expression made use of about the savagery of the military. It was all equal to the man whether it was the lance that robbed him of his life. It was all the same to him; but it was not the same to the man who goes to the election without cause. It is not the same as if you took up a lance to hit, or make a blow at him with some blunt instrument that you don't believe would cause death. It is not the same as if the savagery was done by the escort of soldiers, but the result was the same to the unfortunate man; and in dealing with the case, I am sure that the blow, if blow at all, was given without any intention of doing him any serious injury. In England, take any occasion of great crowds assembling, deaths will take place; but nobody on earth intended them to take place, or have the remotest idea that they will. Deaths do take place, and you ought to look at the circumstances, to see whether it was intended death should take place. I don't believe in this case death was ever intended. Suppose that even the trooper did what is described, that he did intend to kill him; if he did, he would have used the other end of his lance, and the law I have read for you there, would justify him in doing so. I really must bring my observations to a close. I feel incapable and unable to proceed with them. I feel that there is much that could be said in the case; that I have other authorities on the duties of coroners, by Jervis. I have their notes marked, but I feel incapable of reading them. I find it impossible to proceed further. My labours and notings and markings in this case are now useless, because I really do feel incapable of longer continuing to address you. I feel that I have transgressed at very great length at the present moment. In this case I may have wearied your patience, and very patiently you have borne with me. I must say, at the close of this investigation, that certainly whatever virtue you may fall short of, you do not fall short of patience, and you have most kindly borne with me. If I have not always said what was pleasant to you, I am sure my duty called on me to do it; and I must say for the Coroner that although he leant, as I thought, a little hard upon me—I may have been mistaken when I thought he leant a little hard on me—but apart from that I must say that I never had the honour of speaking or practising in any court of justice, or upon any inquiry, in which I saw more impartiality and more good temper and forbearance by the judge than by the Coroner on this inquiry; and sorely tried has his patience been, for he has had a task to perform which you have very little idea of. It is only the man himself can know it, the man who is doing the duty, writing out every word, and bearing the whole weight of the task. In addition to that I must say that I never saw evidence taken down with more accuracy or fairness than the manner in which the Coroner took down the evidence from the beginning to the close of the inquiry. Scarcely on a single occasion, for I have an accurate memory, from the beginning to the close of the inquiry had I to correct any of the evidence taken down by the Coroner, and given before me. He never sought in the slightest degree, from the first witness to the last, to colour it in any way on the one side or the other; acting, I should say, in addition to that, I think he has to both sides behaved with the greatest forbearance. My learned friend will allow me to say, as far as he is concerned, that it could not have fallen to the task of one who has conducted it with more forbearance, good temper, and good feeling. We had our little differences, but the proceedings were conducted with forbearance and good temper. We have got through the matter with good temper on both sides. I regret exceedingly that I have had to occupy so much of your time, and all I ask of you now is to consider your verdict in the case, and that you will regard it as a verdict which will be looked to by the whole community. You will have to say whether mob law and mob riots are to be allowed to go on, and sitting there, until they take human life, and whether the soldiers are to repress it and do their duty. Your own characters are on trial in this case, as well as those of my clients. You are to say whether the soldiers who rode to the quay, whether they intentionally or unintentionally took away life, were justified in doing so in that ride down the quay, and whether you think the soldiers were stoned, to be stoned in the manner that Mr. Maguire and others described, without resisting. I throw overboard all the law of their officers, for I deny that their law was the law of the land, whether the officer or the resident magistrate would give the order to fire, if he could help it, if he took on himself the great responsibility and onus and odium attached to it in point of public opinion. They would bring on themselves the odium of parties, the attacks of the press, and the attacks of private individuals, and the attacks of everybody who did not agree with the way in which they had acted, and therefore until they thus begun to feel some of the stoning they put up with it. The military officer is brought on his commission, being held responsible by his authorities, because unless he can justify to every possible extent his giving the order, he is in a very awkward position. I say that the soldier who acts without his officer's permission also takes a most grave responsibility on himself, even when stones are thrown. If he charges a mob and takes life, then he cannot fall back upon the officer; he takes the responsibility upon himself. He must justify it, and show that the necessity required it. I say that the whole of the evidence in this case has shown that there was a necessity for dispersing that mob after the moment they were stoned by them, and I say—I care not whether a person gave an order to charge or not, and whether Major Wombwell, man or officer, gave the order or not—that they were justified on the evidence in taking the course they did. With these observations, I leave the case in your hands and in the hands of my opponent to make whatever observations he pleases.

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Mr. Waters then addressed the Jury on the part of the next of kin. He said:—

May it please you, Mr. Coroner and Gentlemen of the Jury, at last it becomes my duty now to reply on behalf of the next of kin of William O'Brien, into the cause of whose death you have been empannelled to inquire. I entirely agree with what Mr. Julian says as to the very great patience with which you have attended, and which you have given to the solemn and important duty you have been called upon to discharge—a solemn and important duty under any circumstances, to inquire into the death of a fellow being. Death is the King of Terrors. He must bring terror to every man. But how much more so are the terrors multiplied when, as in the present case, a sudden act of violence has taken out of the midst of life a man in the enjoyment of full strength, and without time even for a sudden prayer for mercy, he is called to stand face to face before his Eternal Judge. The very thought chills and paralyses us. Therefore do I say it is a solemn duty, and I say also it is a most important duty, because very grave results may follow the finding of your verdict. It may affect many individuals, and it is a result that will be looked for, not merely in Dungarvan, not merely in the county of Waterford, or in Ireland, but all through the British dominions; and therefore do I ask you, as Mr. Julian asked you, to give a verdict here that will be a credit to your town and county. And I ask you, besides, to give a verdict that will show that 19 Irish gentlemen, summoned to inquire into this case, are determined to show by their verdict that their fellow countrymen will be allowed to live in their native land. Who are the parties to this inquiry? I have been taunted to-day with standing here to represent persons who are said to be behind the scenes. I am here as counsel for the next of kin of William O'Brien, and I am not ashamed to say that I am here at the request and with the approbation, standing as counsel for the next of kin of William O'Brien with the approbation of persons who desire to see that human life shall be safe in Ireland; persons who take an interest in Dungarvan and the county Waterford, and persons who are not ashamed to show that they take an interest in preserving the lives of the people. Who are my opponents on this occasion? Is it necessary for me to say that my opponents on this occasion, and the persons who represent the part of the opponents in this case, who are they? They are the Government. You heard me ask, on the first day of the inquiry, you heard me ask Mr. Julian the name of the person for whom he appeared, and what was his answer? That he appeared for the military. And who instructs him? But I need not tell you, for you heard a letter read—you heard a letter read by Captain Morgan, who stated that he appeared for the military, and you heard him also read a letter from the Military Secretary at the Royal Hospital, the head of the Military Department in Ireland, and asked to have the case adjourned that the Government might send down counsel to defend the military and their acts upon that day. Therefore, on this day we have the widow and children of William O'Brien on the one side, and we have the Government defending the conduct of the troops on that day on the other. And how has it been defended? I ask you, as men of common sense, who have paid a deep and close attention to this case during the number of days it has been carried on,—have the Government given you the aid that it was their duty in discharging the very first duty for which any Government exists, and that is the preservation of the lives of the people; have they, in discharging that duty to the people, given you every aid in their power to discover who was the person who took the life of William O'Brien, whether justifiably or unjustifiably. I will have a word to say upon that presently, and I take the liberty to say now at the outset, that instead of giving you any assistance to discover the perpetrator of this outrage, if outrage it be, instead of giving you any aid to discover him, the whole action of the Government all through this painful inquiry is to prevent you from coming to any result. We have heard from Mr. Julian some statements of law to which I am sorry that I must more particularly refer as I go on, statements which, I am glad to say for the country in which I live, are not the law of this land. Amongst them you will observe that he did not, from the beginning to the end, read to you one single case—not one single case or line of authority touching the conduct of troops at an election; and you may recollect that before he began to read those authorities, he stated to you that the military were looked upon as intruders at elections. Why did he not read an authority for you on the law of the subject. I will tell you why. Because he read all his authorities from an English law book, and because in the whole series of English law books there is not to be found a single authority or a single case touching the responsibility of military at elections. And why so? For the simplest and plainest of reasons. We have not the same law in Ireland as in England. The military, in Mr. Julian's words, may fairly be looked upon as an intrusion at elections, because so carefully do they guard the freedom of election and the privileges of the people of England, so carefully do they guard them in England, that by an Act of Parliament not to be found in a musty old volume, but in a recent Act passed within the last 20 years, the 10th and 11th of Victoria, chapter 21, by the third section of that Act, passed within these 20 years, and made the law of England, it is provided that "no soldier within two miles of a place of polling or election shall be allowed to go out of barracks on the day of nomination, or the day of election." No soldier shall be allowed to go out of barracks. Every soldier within two miles of the polling place is strictly confined within his barracks. But do they consider that we are not worthy of such freedom of election in this country? And why is it that the county of Waterford and the town of Dungarvan presented the scene that they did present during the late election? The county of Waterford was summoned to select two fit and proper persons to represent it in the Imperial Parliament, freedom of election upon such an occassion being upheld by an army sufficient to subjugate a province. The town of Dungarvan had no less than 500 armed men stationed in it on that day, and you, gentlemen, and even I if I was here, and even the magistrates on the bench, were allowed to approach this polling place only by the sufferance of the military. Is that freedom of election? Is that the reason why he should not be able to find in his researches through English law books any case bearing upon the duties and responsibilities

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bilities of soldiers during election times. I have been able to find some; but I was obliged to look elsewhere than in English reports, and I find that upon a lamentable occasion, when freedom of election in Ireland stood upon the same ground that it does to-day, when the free and independent electors were brought to the poll packed together, as a witness stated here (was it the idea of a flock of sheep that suggested it?), to vote in their proper persons surrounded by an escort of infantry in the county of Clare, and when some disturbance was created and the military fired upon the people and killed some of them, and when an investigation was held at Six-Mile Bridge, and the jury found a verdict of wilful murder against the infantry; the officers and soldiers who so shot down the people; and when the case was tried before the assizes, one of the greatest judges and most eminent constitutional lawyers that ever adorned the Irish bench, Mr. Justice Perrin, charged the jury; and we have here now, corrected by his own hand, a copy of the charge which he delivered on that occasion; and what does he say? After describing the march of the soldiers accompanying the escort, he says: "There was nothing illegal in their proceeding through the crowd with freeholders as, possibly, like any other body of freeholders with their companions, but doing or offering no unnecessary violence. Beyond this, they had no right to force a way through a crowd by violence, nor to remove any obstruction by arms, still less by discharging deadly fire-arms. They had a right to lay hold of, as every subject of Her Majesty has, and arrest persons guilty of any assault or trespass or other act leading to a riot, and either restrain or make them amenable to the law. If assaulted, or struck with stones, they have a perfect right to repel force by force, but not with deadly or mortal weapons; if provoked by blows so as to lose the command of their temper (though more forbearance might perhaps be expected from soldiers than from others), and they use the mortal weapons in their hands, not with any previous premeditation on their parts to use them in such a repulsion by force, the law, in consideration of that provocation, would reduce the crime which would otherwise be murder to manslaughter; and if it should still further appear that, having been so assaulted and attacked, they having been guilty of no aggression and repelling force by force, the violence had proceeded so far that, without any misconduct on their part, their lives were threatened and actually in danger; and if it should appear that, in order to save themselves they were obliged to fire and did fire, in the necessary defence of their lives, the slaying, the homicide, is excusable and justifiable; but in order to warrant that finding by the jury, or that proceeding by the soldiers, you must be convinced by actual proof, not by the sayings or opinions of any individual, that their lives were in danger and could not be saved but by firing, and by firing only. In order to warrant such a verdict you must entertain that conviction. Proof of facts inducing danger, imminent danger, to their lives, and which could only be protected by firing, must be established by clear evidence. It must, I say, be demonstrated that such danger existed and could only be prevented by resort to deadly weapons." If you find here that the lives of the 12th Lancers on the 29th of December last were in danger, in imminent danger, and if you are satisfied, on your oaths and consciences, that their lives upon that occasion could be saved only by the use of deadly weapons, I say, in God's name find a verdict in their favour, and say that the homicide was justifiable. But the learned judge goes on to say: "In considering this matter you will recollect that there were 40 soldiers fully armed, with fixed bayonets" (there were a 150 here) under the command of two officers and ten sergeants;" and again he says, "and further, you must recollect that the firing cannot be justified on the ground that otherwise the freeholders might have escaped or be withdrawn from the escort. This would be no justification for the slaying of their assailants by some soldiers who had come there, when there was no continued resistance by the people and no appearance of danger to their lives." How pregnantly do these words apply to this case; how closely do they fit into the circumstances of this case. Was there continued resistance on the part of the people, when those deadly weapons were used and the life was let out of William O'Brien; "and when the people were, some of them, at a great distance and their backs turned. If that state of facts appears, without previous excitement or previous provocation, it would be clearly a case of murder." Does anything that Mr. Julian read to you apply so clearly to the case as this does? Before I go to the facts of this case, I will just read to you a few authorities with regard to the law of the subject. I need not say, for the sake of my own professional reputation, addressing a tribunal which is not a legal one, and gentlemen who are not supposed to know intimately the law, that I will be most careful in every proposition I lay down. I will go on to allude to a book of State trials, and to allude to a case which has become a case of history. It is called the Porteous case. Gentlemen, most of you have read the beautiful story written by Sir Walter Scott, called "The Heart of Mid-Lothian." One Wilson had been found guilty by the Court of Justiciary in Edinburgh, and had been sentenced to death. He had been taken to the scaffold which was erected on the Grass Market, and there being some apprehension that the people would use violence on the occasion, Captain Porteous, captain of the city guard, carried with him the conservators of the peace and some soldiers, and having come to the place of execution and having hanged Wilson, there was some demonstration made there by the people and the police, and troops were attacked with stones. Very great violence was used, and I think the scaffold was broken; and Captain Porteous, thinking it right to preserve himself and the men that were with him, fired upon the people. For that firing upon the people he was afterwards tried: for that he was found guilty, and sentenced to be hanged; and from the volume of the State trials containing the case, I now read to you the law which has been laid down upon the subject, relating to the responsibility of soldiers in the use of their deadly weapons; and it is none the worse that it is over 100 years old, 1736; and from that day down to this, except by the unwarrantable assertion of my friend here to-day, I unhesitatingly and boldly say that these propositions of law have never been controverted. And so, gentlemen, you see that that which is laid down as law in the year 1736 coincides exactly, literally, to the very letter, with that which Judge Perrin addressed to the Clare jury in the year 1852. Now I shall dispose as shortly as I can of these law

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books for you. There is is a great authority on criminal law in Ireland in Judge Hayes's Digest of the Criminal Statute Law, written by one who, I am sorry to say, has been removed from the Bench by ill health, but who has paid some attention to the law, and written a book about it. Hear what he says about it. Mr. Julian asks you, is a trooper to sit in his saddle and be stoned, and not to use a deadly weapon? I say he is, and I say that is the law of the country. I say that we have the highest authority to support it; and listen to this from Hayes's Criminal Law, page 287: "Recourse should not be had to deadly weapons until all other means of quelling the tumult shall have been found insufficient." Then comes this: "The same exercise of discretion which requires a private man to act in subordination to and in aid of the magistrate before recourse is had to arms, should be used in a still stronger degree by a military force. In fact, unless in very extreme cases, no prudent military man would act without the presence of a magistrate, and without an order from him, which is all that is necessary." And in quelling riots, he says again, that it is the duty of the magistrate in quelling, before he has recourse to the military with their deadly weapons, that he must first call upon the force of constabulary. I will apply that by-and-by, as I go through this case. I will show you what a bearing it has on the facts of this case. I have one other ground of complaint of the way in which Mr. Julian read to you the law this day. He should recollect that there are more law books than one, and while he was reading Chief Justice Tyndall's charge, I had the same work before me. But after reading to these words: "If the one is bound to attend the call of the civil magistrate, so also is the other. If the one may interfere for the purpose when the occasion demands it, without the requisition of the magistrate, so may the other also. If the one may employ arms for that purpose when arms are necessary, the soldier may do the same." He read to that, and stopped there. I will read to you the next part of the charge. You would have understood the law differently if he had read that to you. To read one portion, and stop there without qualifying that which went before, is perhaps calculated to leave you under a false impression. He says that, "Undoubtedly the same exercise of discretion which requires a private subject to act in aid of the magistrate rather than on his own authority, before recourse is had to arms, should be required in a still stronger degree with a military force." What becomes of his law then; if the wretched, ignorant, passionate private soldier is to take it into his own hand to restrain a tumult, good God! would this be a land fit to live in? If every private soldier, if every sub-constable (and they are a force drawn from a class far more respectable than the soldiers), if every sub-constable or every private soldier, taken perhaps from the purlieus of Manchester or Leeds; if he was upon every occasion of this kind to be made the judge of whether the deadly weapon which is entrusted into his hand was to be made use of against the lives of his fellow subjects, this would not be a land fit to live in. No doubt when a soldier is going through the streets, and sees a dangerous riot going on, and sees a person attempting to commit a felony, he has the same right as you or I have to restrain the riot, or to stop the felony; but if he is out under the command of those placed over him, is he to allow his temper to direct him? Why, it is monstrous! Why, in the very book that Mr. Julian read from, the very next sentence contains the antidote to the poison that he would instil into your minds, and other law-books are full of them. In "Russell on Crimes," I find that in case of a riot, the peace officers are justified in proceeding to the last extremity, if the riot cannot be otherwise suppressed; and if the riot cannot be otherwise suppressed, and if by judicious conduct on the part of the magistrate, if by the exhibition of proper force, the riot cannot be quelled or suppressed, and that any magistrate acts rashly in giving an order to the officer, and that the officer acts rashly in giving that order to the men, and they act rashly in taking the lives of the Queen's subjects, every man of them may be indicted for murder. That is the law of the land. Gentlemen, you heard a great deal from Mr. Julian about the rioters at the election, and the violence that took place there, and he thought it his duty to pass some reflections on what occurred some time ago near to this court; but it is no part of my duty to say anything upon it. I will call your attention to this. We are, it is said, an integral portion of the United Kingdom. We are, it is said, living under the shadow and enjoying the rights of the same constitution. I wish we were! What takes place at English elections? Do you ever hear of riots there? Let me call your attention to a case which, when I was in London last spring, occupied the attention of a Committee of the House of Commons for 28 days. It was the case of the Nottingham election, which occupied the Committee of the House of Commons for nearly a month. There Sir Robert Clifden and Mr. Morley had been returned for Nottingham, and there was a Petition lodged against them on the ground of intimidation and also for bribery. Well, gentlemen, what was proved there? It was proved that there was an organised body of men that went by the name of "Lord Clifden's Lambs," to the number of 450. He called them paid canvassers. Other people called them his lambs; and they were paid from the 21st of June to the 13th of July, a fortnight, or over a fortnight; and during that fortnight the town of Nottingham was held by them, and all law was suppressed, and there was no safety for life or property. The opposite party brought 1,200 workpeople by way of excursionists, to see the beauties of Nottingham, and the train was to arrive at the station at Nottingham, and they sent 200 chosen men to protect them. But up went the lambs to the station, and in the station-house at Nottingham, and in the middle of the noon-day, in the heart of England, a pitched battle was fought between the two mobs, and the 1,200 excursionists were driven away from the town. Why, if that took place here, if an organised body of men here went out to do anything like that, God forgive us! how many men's lives would have been lost, how many men would have been in their graves to-day. Those lambs gutted and entirely destroyed 12 houses, and they beat unmercifully individuals who were going to vote against their party. The opposing party got up a meeting, and they erected a platform in the square of the town. Suppose now, for instance, that Captain Talbot's supporters had a platform erected in the town, and they were going to hold a meeting there, what would be the result? But Lord

Lord Clifden's lambs came up and smashed the platform, and in the middle of the noon-day burnt every stick of it. How many men would have been shot down in the square of Dungarvan? How many men would have been lamed with the lances of this brave, this gallant regiment, the bravest in the army? Englishmen are permitted to do these things in the heat of an election; and the Legislature wisely thinks that in these times popular excitement will display itself, that it is healthy for the people, and they wisely overlook everything that is done or is said during the excitement; and you may see that in the Nottingham election, where 12 houses were gutted, and a pitched battle was fought at the railway terminus, and a platform was broken, and then was burned in the square; I say that not one single man, woman, or child was ever brought before a magistrate to answer for any act done during the whole of that election. And what are we? Are we deserving of the same liberties, or are we slaves? [A voice; we are slaves.] I will not pursue the subject further, except to hope that the day may come, and perhaps your verdict to-day may hasten its arrival, when we may have freedom of election, without being over-ridden by dragoons or shot down by military. I have one other word to say to you about this. Mr. Julian spoke of the Dangan riots, and instanced that as a case in point with this, and told you how at Dangan the police shot down some people, and how nothing was done to them. Well, a great deal of the law that he gave you not only upon that but upon other subjects, is law that has lain under some reflection. I do not want to impute anything to you, Mr. Coroner, but gentlemen, some little reflection has been always cast upon "Crowner's Quest Law." This was "Crowner's Quest Law." He says, that no policeman was put in jail, and no one was arrested; but that, on the contrary, the constable, Constable Jacques, was promoted for what he did at that election. Well, I hope the military will find out the man that killed O'Brien, and make a serjeant or a serjeant major of him. I know something about the Dangan riots, because I defended the men at the assizes in Cork, when they were charged with riot, and found guilty. I cross-examined every witness, and I heard all that was proved there, and it was proved there that the stones came in showers on the police, and that the police went with their swords fixed on their rifles to the gate of that place, and implored some of them to go away, and took some of them into custody, and when they took them into custody, they were assailed with stones, and they had to take shelter in a house. Now, did they there act with prudence? Did they there at once on the stones being flung at them, fire off their deadly weapons? No; for that very man, Constable Jacques, addressed the people, and asked them did they not know him, and said that he would give up the man that was in custody, but they attacked him, and made him take refuge in a house. The windows were dashed in with stones, and the door was broken in with stones; and, finally, when, I do believe, the police had no other way of saving their lives, they did use their fire-arms. Is this a parallel case to the case here? What effort was made here to get the people to retire? Was there anything said or anything done to hurt a lancer before the lancers lowered their lances, as it has been described over and over again, and, charging at a furious gallop, chased the people flying before them? But, says Mr. Julian, they were a mob, and if they were not allowed to assemble at the bridge, we would not be here to-day. He makes a reflection on the magistrates, and he took care to say that the magistrates, whether paid or unpaid, should, in the discharge of their duty, go out there, and not allow the people to assemble at that bridge; and that if that had been done, poor O'Brien would not be in his grave, and we would not be here. I deny that law; what country is Mr. Julian speaking of when he states such law as that? I deny that any magistrate can go out and disperse the people; they had as much right to be there as the magistrate. What country is he speaking of when he says that? What century is he speaking in? Is this a part of Great Britain? Is this a place governed by British law? Am I to be told that on the day of an election, when the people are selecting persons to represent them in Parliament, that the inhabitants of Dungarvan are not to be permitted to assemble in any part of the streets of their town, but are to be dispersed immediately upon the order of any magistrate? There is no such law; no magistrate had the power to disperse them. The evidence shows that they were standing there quietly, a well-conducted lot of people, and I tell you advisedly that all the magistrates in Ireland were powerless to drive them out of that. Now, what was the beginning of this unhappy circumstance? The people collected there; and I tell you, as a matter of law, that they had a right to do it; the voters were coming across the bridge, accompanied by an escort; the escort had come up there; the escort had approached the bridge; and I tell you, in the language of Judge Perrin, and I call your attention back to it again, that the escort had no right whatever to use violence, or make a way for themselves through the crowd. Was there any necessity to do so? No; it is sworn distinctly over and over again by Mr. Greene, the magistrate who was at the head of the procession, that there was a clear passage for the escort and the voters, and that there was no necessity to keep the people back for that purpose. What was the conduct of the people then? Mr. Martin, who was appealed to from the other side, and has had a high eulogium passed upon him by Mr. Julian—he said that the conduct of the people was peaceful and quiet; till when? Till the troops and voters had reached this side of the bridge, and that there was a passage for them to go down with their charge. Mr. Greene did not think it sufficient, and he gave an order there that he had no right to give, and that, I regret to say, unfortunately was the cause of the death of O'Brien and of the other calamities that followed on the quay. On coming to this end of the bridge, he ordered Major Wombwell to send troops to each side, and drive the people back. For what? They had a passage to go through, and they could demand no more. Judge Perrin says that that is the law. And for what did he do it? He apprehended that, perhaps, at some future time they would throw stones. God Almighty! are the liberties of the people of this country to be so dealt with, because a resident magistrate passing through, and, having there a passage and means to proceed through a number of people legitimately and properly assembled upon an election day, fearing that possibly they might throw stones, he orders the Major of a lancer regiment to divide a troop of lancers, and drive the people off the place. I tell you that he had no more right to do it than any

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any man in this Court has to come and catch me, and put me outside the door; and I say that that was an unjustifiable and improper order; that it was an unjustifiable and most improper interference with the liberty of the subject. And, more than that, I will say that it was the melancholy commencement of this transaction. How was this order obeyed? Now, gentlemen, I turn again to Martin's evidence. I will assume in this case nothing but what must be admitted by my opponents as incontrovertible. Mr. Julian appeals to Martin's evidence, and I accept his version of the occurrence, and I stand or fall by it. What does he say? Mr. Julian dwells upon the evidence of Martin, and I accept his version, and I stand or fall by it. What does he say? "The demeanour of the people previously," he says, "was perfectly tranquil; I saw no stones thrown, or rioting." And here is the way he describes the conduct of the people, the civilians which Mr. Greene had seen was given. The escort was coming from the bridge, and there is an advance guard of the lancers thrown out to drive the people back; and how did they do that? They rode at and galloped at the people, with their lances in every form; some carried, and some lowered; some of the lancers struck the people with their lances, and they rode at them. Are we to be told that that was treatment good enough for a mobat an Irish election? I tell you again there is no such law authorising or permitting that. I tell you that the lancers had no right to ride at the people. I tell you that to ride upon the people as they rode, to use their lances as they were used, to people who were inoffensive and unoffending, they would be justified in resisting it by force, and if I could not save my life otherwise, I would be justified in shooting him dead on the spot. Is there any doubt as to the conduct of the people at that time when the lancers rode up and struck at them with their lances, and rode their horses at them? Up to that time no stone had been thrown, not the slightest possible symptom of hostility had been shown to the voters or to the lancers. Mr. Greene, Mr. Maguire, and Major Wombwell swore it. In point of fact, with one exception, every one of the witnesses swore to the same thing. Major Wombwell swore that he was first at the quay side; and I think I may state now, from my recollection, what he said. He said that he moved down the people, and he put about 16 men on that side, and that he intended them to stop there. He saw no stone throwing either, but then he looked round to see what the rest of the voters were doing. He looked round and saw stones pelted, and saw his men with their lances down. He galloped across to the other side, and that is the first time he saw the stones thrown. He said that he did not see any stones thrown until he put back the people at the time he galloped across. I asked him why he galloped across, and he said because I saw the lancers rush upon the people. Does that bear out very fully and entirely the evidence of Martin, who says the troopers were galloping their horses and striking with lances on the people? Will you believe him or Sir Nugent Humble, who was there at the other side of the bridge, but who says that they only walked their horses daintily, and used no unnecessary violence? Which is the most likely to be right? Major Wombwell rode across; for what? To his honour, be it said, to save the lives of the people. "Come," says he, "none of that sort of thing; because I saw them using their lances, because they used their lances in the square, and I had occasion to tell them not to do it again." Well, now, gentlemen, upon that part of the case I feel it my duty, and not only a duty, but an honour and justice, to a gentleman who was very much maligned here to-day, to say a few words about Mr. Kennedy's evidence. I thought this was an inquiry into the conduct of Mr. Kennedy; for about an hour or an hour and a half we heard nothing but abuse of Mr. Kennedy. I say now, that Mr. Kennedy never denied that stones were thrown that day; I say that Mr. Kennedy's evidence is literally substantiated by Major Wombwell, Mr. Greene, and Mr. Martin. I will state my existence on that. I asked Mr. Kennedy to describe the way in which the troops put the people back, and he did so. I asked him, "Do you swear that up to that time no stone had been thrown at the troops and at the voters?" and he said, "I swear, on my oath, that no stone or missile, or anything, had been thrown against the voters or troops." I ask you, is not that true? and is not fully substantiated by the evidence in the case? He did not say what Mr. Julian said, that he saw stones thrown before the cavalry charged down the quay. He could, as he had a right to do, see the rushing of the troops on the people, and the charge they made on them. What else could you call it? What does Major Wombwell say? That he saw the troops rushing on the people; or, as Martin says, striking right and left at the people. I may tell you that that is wrong. I will read it for you. Major Wombwell says, "I saw some of them rushing on the people," and Martin said, that he thought the lancers had their lances drawn, striking right and left at the people. Mr. Kennedy swore that up to that moment, until that charge, no stones were thrown. Instead of being charged here to-day with perjury, I say that he gave his evidence like a gentleman, and that it is fully corroborated on the evidence of the case. But now as to the episode of the child, it is said that he did not go out to save it. What life would have been safe that day? What man of you would have gone out to save him, the lancers rushing about with their lances in their hands? Did it occur, or if it did not occur, how many of the troopers who were upon this table, who were asked about it? How many of their officers? Did Mr. Julian dare to ask one man whether it did or did not occur? I observed that he thought it was most curious that I did not ask it. I said that Martin saw the troopers ride upon two boys, one of whom was trying to get upon the bridge, but he could not see whether he was thrown down or not. Mr. Kennedy never denied that stones were thrown; and supposing that we did not admit it until the eleventh hour, were they thrown at the bridge, and I say that the people were improperly and barbarously treated, until they were driven to do so. What was the result? Stones were thrown, and from the Shandon side. They were thrown from the railings. I ask you as sensible men to come with me to the conclusion, in the words of one of the witnesses, that the only danger lay at the Shandon side. Mr. Heard, the sub-inspector, said it; Major Wombwell deposes to it, for he rode over to the other side. Mr. Hatchell said that there were but few stones came to the quay side, that the were as nothing compared with those on the Shandon

Shandon side. The danger then existed as regarded the Shandon side. Mr. Heard, and 23 policemen, got in one by one through the loose bars of the railings, and without injuring any one man, woman, or child there; without as much as the strap that fastens their caps being injured by the people; those men entering singly, and going singly to work, without waiting to form up, cleared away the only danger that existed. Mr. Heard said it was the only place that he saw where there was danger. Where did he go to? He went to the other side of the bridge, at the side of the bridge where the only danger was; and 23 policemen entering there singly, man by man, they cleared the people away. How many did the policemen shoot? None. How many of them were injured? None. And if 23 policemen, entering singly, were able to clear away all the danger that existed that day, I ask you, was Wm. O'Brien, who was on the quay side, at least 200 yards away, was it murder, was it manslaughter, or was it justifiable homicide? What was done on the one side could have been done on the other. On the one side the police put them away, and they could have done it as well in the other, if there was any necessity for it. I will ask you to say that the only danger that was there that day, I will ask you to say, was the charge of those lancers down the quay; was it or was it not necessary? I do not like to use stronger language than Mr. Julian, that it was a cowardly, base act for the soldiers to ride them down there, and filled with hate as they were, and vowing vengeance for the former wrongs which had been heaped upon them. Gentlemen of the jury, I have read the law of the land to you, that a man entrusted with a deadly weapon, such as a rifle, or a lance, is entitled to use it. God forbid it, that because a man who is arrayed grandly like a soldier, should not be allowed to defend his life. He is entitled to use it, but he can be called in question for doing so. He is entitled to use it when his own life is in danger, and when he has no other way of saving it. Now, did Mr. Julian apprehend that? Did you hear him say that the lives of those gentlemen were not in danger? He knew right well what would come. He knew what the law was. He was only trying to blind you as to the real state of the case. I tell you that this was the real question to be determined: were the lives of the people in danger? He made some fun as to what I said about the list of killed and wounded. I don't mean to make fun of it now, but I mean to call your attention to the fact, and I mean to show you that, taking this by its results, a more contemptible reason was never sought for using their deadly weapons upon an unarmed crowd never existed in the history of the law courts before. Dr. Gulland was examined, and I called your attention to the day on which this list was made out. On the 1st of January, the very day the jury was empannelled. I believe that it was not thought worth a moment's notice. I will recall to your attention the names of the 12th Lancers who received injuries that day. —"Names of the men of the 12th Lancers who received injuries during the Waterford election: Major Wombwell, contusion of right hand; Serjeant Major Bromley, contusion of back of head, ditto, left temple, ditto, bridge of nose; Serjeant Major Hannan, cut, right hand; Farrier Serjeant Tillier, contusion over right eye; Private Richard Owen, cut, left hand; Private Charles Barber, contusion, right hand; Private John Gainer, ditto, left elbow; Private Richard Hamerton, ditto, left wrist; Private James Hamer, ditto, abdomen. *N.B.* About 20 state that they received blows with stones or bottles, but are not included in this return, as they bear no mark of the injuries. Fermoy, Jan. 3rd, 1867." Where are the injuries that were inflicted to the 12th Lancers at the bridge of Dungarvan, for the injuries have been solemnly told here to day? You are to find that the death of Wm. O'Brien was justifiable homicide. Do they really mean it? I will read it again. "Names of the men of the 12th Lancers who received injuries during the Waterford election: Major Wombwell, contusion of right hand; Sergeant Major Bromley, contusion of back of head, ditto, left temple, ditto, bridge of nose; Serjeant Major Hannan, cut, right hand; Farrier Serjeant Tillier, contusion over right eye; Private Richard Owen, cut, left hand; Private Charles Barber, contusion, right hand; Private John Gainer, ditto, left elbow; Private Richard Hamerton, ditto, left wrist; Private James Hamer, ditto, abdomen. *N.B.* About 20 men state that they received blows with stones and bottles, but are not included in this return, as they bear no marks of injuries. Fermoy, Jan. 3rd, 1867." The injuries on the hands and elbows, and one on the right side or stomach, and these are the injuries that were inflicted before this occurred. These are the injuries that resulted from this barbarous mob, armed with deadly weapons, that Mr. Julian wants us to believe were intended to take away the lives of those lancers. And what retribution did the people get for it? William O'Brien lies in his grave; Captain Keily lies in his grave; and numerous other injuries were inflicted that day, on that second day. But that was not all. I forgot that there was more than that. We had more than that here. It is not in the list of the killed; it is not in the list of the wounded, but we have here actually a chapeau brought into court. It was brought into court because of a dint, and it was a most affecting sight. It showed the terrible risk which Captain Orred had run. I think I would make an equal mark on it with a marble. I don't know whether the 12th Lancers were at Balaclava, nor do I know the names of the several battles in which they have distinguished themselves, nor have I any doubt, although I don't know how many of these desperate engagements they have gone through with Captain Orred. He seems a gentleman that would make a good soldier, but he will hardly bring back to his recollection the battle of Dungarvan, and I think he will hardly take a pride in the touching way in which Mr. Julian spoke of his feats. He seems a gentleman who would not shrink from danger under any circumstances, but would face it. Perhaps I may be wrong, and perhaps he may look curiously upon the remarks which fell from Mr. Julian. Perhaps when he has become wearied of the fatigues of military life, and when he wishes to retire from the profession, and to enjoy the happiness of domestic ties, the happiness of connubial bliss, and when he will tell the partner of his joys of these hard knocks his youth had suffered, and will tell so well of the risks and dangers which he underwent at the battle of Dungarvan, and when he tells how his shako was shattered, and when he will speak of the disastrous stroke that his youth has suffered; oh! gentlemen, gentlemen, she will say to him, "'Tis strange, 'tis passing strange, 'tis poetical, 'tis wondrous poetical;" then, gentlemen, she will love him for

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the dangers he has undergone, and I hope he will treat her better than Othello did his Desdemona. Well, really, gentlemen, can I help thinking it is ridiculous—I cannot help thinking that a more ridiculous thing could be produced than the production of this list of men with contused hands, with contused right hands, or contused left elbows, and this injured shako. I do think, gentlemen of the jury, in a serious investigation of this kind, where we are solemnly inquiring into the cause of death of William O'Brien; where we want to find out the hand that sent him to an untimely grave—anything, I say, more ridiculous could not be produced than the production of these miserable scratches. I don't think a more ridiculous list could be produced. Would any man of common sense dare to say that the men who inflicted these grievous wrongs were justified in taking away the lives of an unarmed people? I say, gentlemen, you have not before you the evidence you should have to prove that there was any danger at the quay side. I say all the evidence goes to show that the danger was at the other side; there is no evidence to show that the men were struck at the quay side. Major Wombwell put 16 men there; and when he turned round and saw what was taking place at the other side—seeing the stones in the air at the other side—he galloped across to restrain his lancers from doing what they had done in the morning—from using their lances on the people. But while he was galloping away to the other side they charged, without orders, and with lances in their hands, an unarmed people or crowd. I ask you, gentlemen, is not that as Mr. Julian said it was? I ask you is that a cowardly or base act? I ask you if these men stood on the battle field opposed to men equally armed and equally trained, and that they surrendered or fled from them, I ask you would it be a cowardly or base act for a soldier to pursue a flying foe, and mercilessly to stab him? You saw the painful position in which Major Wombwell was on that table, and when I said to him, "I ask you, Major Wombwell, as a honest man, did your troopers break away from you?" It was a cruel question, but it was my duty to ask it of him, and, like a gentleman as he is, on his oath, he answered that they did. He gave no order; the officer left by him in command gave no order; Mr. Greene gave no order. And, gentlemen, don't forget Mr. Greene's words, "I saw nothing during the whole of that day that would justify me in ordering the use of their deadly weapons or the lance." He says again, "If I thought it necessary I would have ordered them to charge." I ask you, gentlemen, not to act on any evidence here but that of Major Wombwell's; and we saw that Major Wombwell's and Mr. Greene's proof was produced by the Government. What does Major Wombwell say? He says he saw these men galloping round the square in the morning, with their lances down. When Mr. Julian talks of witnesses having only one eye to see with, I ask how many eyes did every trooper and officer see that was brought up here? Not one of them saw them charge round the square in the morning; not one saw the lances used, but I believe some of you, gentlemen, saw it. Not a man of them could tell that they did use their lances on the people, until Major Wombwell was put on the table, and he admitted that they did use their lances, and that he cautioned them not to use them again. He stated that he rode across to the Shandon side, and that he said to the lancers "Now, then, none of that sort of thing." This, I think, gentlemen, will show you that there was on the part of these men a premeditated determination to wreak vengeance on the people, and that they rode down the quay without orders, to put it into effect. Major Wombwell, actuated by sympathies that should influence to the full the breast of any one in his position, immediately rode after them; and you heard enough, I believe, of the painful description of that scene on the quay. He rushed, he said, to find the trumpeter, and the moment he got him, he said to him "for God's sake, sound the assembly". What was that for; why these few short words! Is that a word that a Major of lancers would use in discharge of his duty under ordinary circumstances? Is that not an expression coming from the heart of a man who saw that the troops were no longer disciplined soldiers, but an infuriated mob, rushing with deadly weapons on the people; and whose heart bleeding for the people cries out "for God's sake, sound the assembly"? He goes to one trooper and tells him to stop; he makes a grasp at his rein but misses it. The trooper rides on at his full charge to murder; he rides on and tries to stab all he meets; Major Wombwell himself is nearly hurled into the river, while endeavouring to restrain the ungovernable fury of his troops. Have you, gentlemen of the jury, ever heard more agonising details, or a more extraordinary story, or such a one as on the face of which was more clearly written horror, while he recited that tale, while he related it, causing horror at the thought of what he saw. But, gentlemen of the jury, you would ask me whether it was justifiable homicide? I tell you that the troops were not dispersing any riotous mob at the time. I tell you that, even if they were assailed at the bridge at the beginning of the quay, they should not have charged down there. The people fled from them; they fled on board Lord Hasting's yacht, and the "Johanna;" and one man jumped, at the risk of his life, into the river; they fled into the Linney and on board Captain Murray's boat. They would have jumped willingly into the river to escape from the terrible fury of these men. And here is it to be said that the troopers who broke away from their commanding officer and from his orders, and who not only broke away from him, but nearly pitched him into the river and took away lives, were acting justifiably? you are not men if you find it so. Gentlemen, I protest that extraordinary as are the circumstances of the case; harassing as are the results that flowed from the want of discipline on that day; horrible to contemplate as are the deaths of those men that have been caused by the injuries that were inflicted on them; I protest, I say, that the most distressing feature of the entire case is, not the charging down the quay, nor the breaking away from their discipline and disregarding the orders of their commanding officer, nor the taking away of human life, but it is this, that not a single man of them has been put under arrest, that not the smallest particle of an inquiry has been instituted in the regiment as to who was the guilty party. Why, gentlemen, I could understand it, if Mr. Julian were here representing any one man of the regiment. I would understand it to be a generous thing to do if, suppose, the troopers said, "Well, these poor fellows were goaded on, and exasperated in Dungarvan; they might have had reason for what they did; this is a serious

a serious charge against them; come, boys, we will put down a few shillings to pay counsel, and see there is justice done to them." Or, if the officers had said, (and I think they would have a perfect right to stand to their men) that they would get proper legal assistance for them, and that they would have the best counsel that could be got, then I could undertand the course that has been pursued in this case. But, gentlemen of the jury, when a gentleman comes here, armed with the authority of the representative of the Government of the country; when I get out from witness after witness, all about the outrage in this town; when I see that no one of these men was put under arrest, and that no sort of inquiry was ever instituted; and when I saw an effort was made to stifle the inquiry here, I protest, and I do say that that is the most lamentable thing in the whole transaction. When the trooper said to Major Wombwell, "Major, are we to stand here to be stoned?" and he said, "Yes, you must bear it"; and when the trooper replied, "Flesh and blood can't stand it," why did Major Wombwell not order the man to be put under arrest? Why did he not say, "I will punish you for insubordination"? Was it not subordination that won the glory and victory of Waterloo? There the men stood charge after charge with unbroken lines, and endured all unshaken. Is the flesh and blood of the British army getting any worse than it was? Are they not able to endure anything without leaving their ranks and putting discipline to defiance? Is that the character of the army now? Are we to be told that the trooper can say to the major, "Flesh and blood can't stand this"; and that the major is to say, "We must all bear it"? Is that subordination; is that what you are called on to believe? If these 16 men were going along a road, rushed into a field and killed two out of a flock of sheep, an inquiry into the matter would have been held, and I believe the entire 16 men would have been put under arrest. But is it to be said that the lives of two men are to be sacrificed in Ireland by one of 16 of these men, that they are to be allowed to go free, and none of them put under arrest, and that no sort of inquiry is to be instituted as to whose was the hand that struck down O'Brien? Well, gentlemen, if the 12th Lancers think that is creditable to their regiment, from the humblest cornet to the colonel, who has been over their head for 21 years, I wish them joy of it. Sixteen of these men charged down the quay on that day, without orders; and they disregarded the attempts made by Major Wombwell to restrain, as they so charged down the quay. Why? You, gentlemen heard the evidence, and I protest I don't know why it was done. You heard witnesses, thrust on you; witness after witness, to prove to insulting expressions having been used against the troops, against their flag, and against their country, that "We want no b——y Englishmen here", and all that sort of thing; but you have had no witnesses produced here, to prove to the injuries inflicted, and to the manner in which they were inflicted; but there were troopers of the same regiment produced to prove to the injuries received in the morning. What does all that go to show you? I tell you, gentlemen, it goes to show my case; that the 16 men charged down the quay on that day, with their hearts full of hate, and determined to wreak bloody vengeance for the insults and injuries said to have been heaped on them. Now, gentlemen of the jury, a few words as to what caused O'Brien's death. I was rather amused at my friend Mr. Julian, in spinning out two hours and a half in proving to you that the soldiers were justified in killing O'Brien, and three quarters of an hour afterwards in showing you that they did not kill him at all. If they were justified in doing it, why was it necessary to labour the point that they did not do it; if they were justified in doing it, where was the necessity of taking up your time so long about the angle at which the lance should have been driven to inflict an injury? If they were justified in doing it, why did they bring men up on the table at all? Let him tell how it was done. I don't care how O'Brien was killed; whether it was by either end of the lance, or by the breast of the horse; of this there can be no doubt, the man was knocked down by a lancer, and he was in good health previously. Then, gentlemen, what is the point about the angle of the lance at which it should be driven in order to hit him? But then there is a point; the evidence of Sir Nugent Humble's stable-boy, who was found accidentally to know something about it. Sir Nugent Humble has supplied us with the evidence. Mealy never said it was done by a thrust made straightforward; the girl in the window never said it was done so either; but Daly comes up and says he saw the trooper coming down and winding his lance; and could it not be that he gave O'Brien a back-handed blow on the back, with the lance brought and applied cross-ways? Gentlemen, O'Brien was struck on the head with the lance, for Dr. Anthony examined the man, and he is a competent doctor. O'Brien was taken up insensible, with a bruise on one part of his skull; he died, and Dr. Anthony is then examined on the table for a couple of hours, and by Mr. Julian for two hours and a half. Dr. Hunt said he saw O'Brien on Sunday, and did not see the wound that was there the night before; but such is his confidence in his brother medical man, that he said that if he got a sudden fall on his buttocks, he would get concussion of the brain from it. Let him explain why he did not make a post-mortem examination; let him explain it, for he must have known that it was his duty to do so. Did he neglect his duty so that he was over two hours and a half here, explaining as to possibilities and probabilities, when he might have known immediately by a post-mortem examination the cause of the man's death? Was it because he thought he might learn too much that he did not make a post-mortem examination? And was it not the most unpardonable folly and waste of time to go on arguing whether it was this angle or that angle, at which the blow was struck? Mealy saying that he saw the blow inflicted, the girl saying that she saw the lancers coming up, and that the blow was then inflicted. Daly saw the lancer coming up swinging his lance, and the doctor found the mark on the back of the man's head. Gentlemen of the jury, it is but insulting your understanding to say that O'Brien was killed in any other way than by the blow of a lance; he was killed by the blow of a lance, and you are to say whether it was justifiable. If it was justifiable, God help us! The evidence, which I do not believe, Daly's evidence; we say that he had talked with Sir Nugent Humble over the matter, though Sir Nugent Humble says he did not have any talk with him about it. What Daly says is that he saw O'Brien flinging stones, but I don't believe him; Mealy was there, and

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he did not see him flinging stones. Dower was there, and the girl was there, yet they did not see him flinging stones. This, gentlemen, is the only fellow who is conveniently got on the spot at the same time, and who swears that he saw O'Brien throw stones, run down the quay, and that, as he turned round, he saw he was knocked down by a lancer and killed. Gentlemen of the jury, I say that even if the lancers were pelted at the bridge, and if their lives were in danger, and that the people dispersed as they did disperse, I say that the act of the lancers was an unjustifiable act, and that the man that killed O'Brien who was running away at the time, even although he had thrown stones, was guilty of homicide, which was unjustifiable. Mr. Julian taunted me that I did not give any account of what brought O'Brien into town that day. What nonsense is this to bring before intelligent men! Do we hold our lives on sufferance? Do we hold our liberties on sufferance? Am I to ask the Commander of the Forces in Waterford to-morrow, for liberty to go in there? Has no one a right to come into Dungarvan or Waterford without a license to come there? The deceased O'Brien came in here as he had a right to do, and, if he wished it, to yell and screech with the rest of them, as is done on all such elections. He went in to see the sport at the election, and he had a right to do so. But, gentlemen of the jury, who were the men that committed this outrage? I have said more than once that we got no assistance whatever in discovering who they were. The Government got the inquiry postponed from day to day for a week, and at the end of the week they come here and instruct a professional man to appear for them. On the first day I asked for a parade of the men, but what has been the answer? How has that call been answered? Have the men been brought here for investigation? No, they have not; but they have selected some of these men out of the regiment because they know nothing about the matter at all, and they bring them here as witnesses; these men of Captain Le Quesne's troop that were brought out on the morning of that day; but not the 16 men who galloped off without orders, and charged on the flying people. One of these 16 men knocked down O'Brien, and, gentlemen, I tell you, in point of law, that, if you believe that the people were running away from them, and if they were not in as hostile attitude all that time, even although there had been stones thrown on the bridge; and that the 16 Lancers charged the mob and crowd of people who were not then molesting them, I say their act was unjustifiable still. I say that every one of the 16 is answerable for the acts of the others. Gentlemen of the jury, it is a principle of law that if several persons agree to act in pursuance of a common intent, every act done in pursuance of such intent is in law done by all; but every act must be in pursuance of the common intent. I say, therefore, gentlemen, that, in considering this case, you must see that these men had a common intent in attacking the people; for, if they had, they and each of them are responsible for all the acts of the others done for that purpose, and for all the acts done by each of them. I tell you, gentlemen, in point of law, that these 16 men who charged down the quay of Dungarvan, and took vengeance on the people of Dungarvan for the insulting expressions that had been used towards them in the morning, and the stones that had been thrown at them the day previous, had no right to take revenge on the people then; and that the act of every one, or of all of them, would be the act of each if the 16 acted with a common purpose, and with a common intent; every one of them is responsible for the act of every other. They are called principals in the second degree, and they are defined to be those who are present aiding and abetting at the commission of a fact. I will read you the law on this head from Archbold's Common Law: "Principals in the second degree are those who are present aiding and abetting at the commission of the fact. Presence in this sense is either actual or constructive. It is not necessary that a party should be actually present to be an eye-witness of the transaction; he is considered in law to be aiding and giving assistance, if he be near enough to afford it if occasion arises." Again, "It is unnecessary further to prove what a party actually did in the commission of an offence, than that he watched for his companions in order to prevent surprise, or waited at a convenient distance in order to further their escape if necessary; for to act in such a situation is to be able readily to come to their assistance, the knowledge of which is calculated to give additional confidence to his companions." In the contemplation of the law, such a person was present aiding and abetting. Gentlemen of the jury, therefore it is that I say to you that if you find that these 16 men rode down that place with a common purpose, and with a common intent, I tell you, in point of law, they are all aiders and abettors with the man that struck that fatal blow. Now, as regards our endeavour to identify the men, I say shame on the Government, and shame on the regiment that we have failed. Captain Le Quesne was up here commanding the troop which he represented for four years, and he could not tell us the name of a single man of them, with the exception of two. Serjeant-major Woolley and Private Browne, and every other witness knew the names of these two; but we could not get the names of the other 14. Very likely, if Captain Le Quesne knew the names of three of the troopers, all the other witnesses would have known them also; but Captain Le Quesne only knew the names of two; and the witnesses that came after him know only two also. Gentlemen, I think that Sergeant-major Woolley was one of the 16 troopers who galloped down with the rest, and I believe that, if you believe they all went down with a common purpose and a common intent, he was aiding and abetting in the homicide. Private Richard Browne was also aiding and abetting in it; so was Private Shannon; and so was Private Aitcheson, the fourth name we got. Gentlemen of the Jury, I will show you that Aitcheson was there. Sergeant-major Woolley says that he was with Aitcheson, and he answered, that "I was one of the men who wheeled to the left, but then I did not go down the quay until I met with Captain Orred." He did not tell you the truth there, for Major Wombwell swore that all the men went down; that none of them remained; and Cornet Arundel swore that all the men went down, and that none of them remained. I asked him, "Why did you go after the man?" "Because they all went." He said, "What was the good of my remaining or standing alone?" Major Wombwell stated that the men were all gone; and you had several witnesses to say the same. Aitcheson says he did not

not go down until Captain Orred went down. I told you that he was endeavouring to shelter himself by distorting the truth; and you must believe that he went down with the rest. Gentlemen of the jury, if you come to the conclusion, as you must, that the crowd of people were flying away from the military on that day; if you come to the conclusion, as you must, that the pursuit of that crowd by the troopers was barbarous and unnecessary; if you come to the conclusion, finally, that O'Brien lost his life by violence inflicted on him, I care not how, by one of the troopers, it is your duty to find a verdict against the lancers, and it is your duty to find a verdict against the four named, as they were present as aiders and abettors in his death. Gentlemen, we have done our best to get forward the man whose guilty hand struck the blow, but we were baffled day after day; no inquiry was made; nothing was done by the Government to assist us in the investigation of the loss of life. I ask you, then, gentlemen, to do your duty; to say that William O'Brien came by his death by a blow inflicted on him by a man whose name to you is unknown—by one of the 12th Lancers; and that Sergeant-major Woolley, Privates Browne and Shannon and Corporal Aitcheson were present aiding and abetting; and then leave the Government and Her Majesty's Attorney-general do their duty, and set the engines of the law at work to discover whose was the hand that did the deed. Ah, gentlemen of the jury, if it was a Fenian oath that was administered to any one of these 16 Lancers, would you have had any difficulty, or would any of the officers have had any difficulty in finding out whose was the hand that did it? But, gentlemen, where it is but the life of a wretched peasant, killed on the quay of Dungarvan, then it is beneath the dignity of the officers to inquire, and it is not the business of Her Majesty's Government to investigate. But do you, gentlemen, do your duty, fearlessly and temperately, that so we may see if the Government will take such steps as will render our lives henceforth safe from violence in our native country. I tell you, do your duty temperately and fearlessly, for I think it would not be right for you to let the matter stand over. I don't think it would be right for me to tell you to bring in a verdict of murder here. If you believe that the soldiers were assailed with stones from the bridge, putting out of consideration the affair on the Square in the morning, for I tell you that no provocation on the Square in the morning would justify the taking away of life at three o'clock in the day, no amount of provocation would render homicide in such a case justifiable. I will read you the law on that subject: "No provocation whatever can render homicide justifiable or excusable, and the least it can amount to is manslaughter. If one man kill another without any or considerable provocation the law implies malice, and the homicide is murder; but if the provocation be great, then it is manslaughter." Again, "But on an occasion of riots, the homicide on provocation, in order to be manslaughter, it is essential that the battery, wounding, &c., appear to have been inflicted immediately after the provocation had been given. If ever there be sufficient cooling time for the passion and the substitution of reason to that passion, and that the person so afterwards killed, there then is evidence of deliberate revenge and hate, and accordingly that amounts to murder." Gentlemen of the jury, if stones had been pelted at the troops in the morning, and if, at three o'clock in the day, a trooper or all of them, took life away on the quay of Dungarvan for it, he would be guilty of wilful murder; or if being pelted on the Square at nine o'clock in the morning, he immediately took away life, he would be guilty of but manslaughter. I say, if you believe that the troopers were pelted with stones on the bridge, and had their tempers excited there, and that they then galloped after these people; and if you believe that this man, O'Brien, was one of those who so assailed the troops, I tell you, and it is my duty to tell you, that the law would not allow it to be any higher offence than manslaughter. Again, gentlemen, I say to you, do your duty temperately and firmly in the sight of the world. Tell fearlessly in your verdict whether it is justifiable or not, for 16 of Her Majesty's troopers of one of her regiments, to break away from their commanding officer, and rush after an unarmed and flying crowd, and kill to the death one of them. Gentlemen, do your duty temperately and firmly, and, as Mr. Julian asked you, give a verdict that will do you credit, and show that you are lovers of law and order. Aye, your verdict, gentlemen, may have some value for the future; your verdict may teach troopers engaged at elections, that they are not to act in retaliation. Captain Orred said that human flesh and blood could not stand or endure it, and that he would retaliate. I thank the gallant Captain for the word; it retaliated not on the people, but on the troops themselves. Before these times the Irish peasant has sometimes started under what he believed to be wrongs and injuries, and perhaps he argued the argument that Captain Orred proposed, and said that human flesh and blood could not stand these injuries without retaliation. Perhaps he saw his family flung on the road side without a home, and perhaps he has gone behind a hedge and shot his landlord in retaliation. What has he been called? a cowardly assassin. And what has the law done to that Irish peasant? it has hung him by the neck until he was dead. And if a British soldier takes the law into his own hands and retaliates, and if he unnecessarily uses a deadly weapon upon an unarmed and flying crowd, what shall that act be called? let it be called cowardly assassination. Yes, gentlemen of the jury, as you are all lovers of law and order, so also are you all here to do justice. William O'Brien, sent to an untimely grave, calls upon you to do justice; the blood of the slain appeals to you for justice; the wails of the widow and the orphan cry to you for justice; the blood of Captain Keily from his untimely grave calls upon you to do justice. Do justice therefore; let the Irish people throughout the land know that when they are assailed, when their liberty is attacked, and when lives are taken away, that an equal law shall be administered to their aggressors. Therefore I say to you once more, gentlemen, find a verdict in accordance with what must be your convictions; a verdict that will do you credit, and show you to be lovers of law and order. Gentlemen, I conclude in the words of Mr. Julian, "and by the solemn oath you have taken, by which you have called God to witness, that as you hope for help hereafter, so you will find a true verdict upon the evidence, whether William O'Brien met his death by murder, manslaughter, or justifiable homicide."

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The *Coroner* then proceeded to sum up. In doing so, he said,—Gentlemen of the jury, as you

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are aware, Dungarvan was one of the polling places at the election for the county of Waterford, held on the 29th of December last, and, as is usual on such occasions, a number of people congregated here. A large body of military had been stationed here on that day, and for some days previously; and, as they were engaged during the day in escorting voters into town, they were assailed with stones, and I believe, were struck; and, as they came over the bridge between one and two o'clock in the afternoon, on reaching this end of the bridge they were divided to either side, and put back the people. Stones, I believe, commenced to fly pretty thickly then, and a number of military, without receiving any order, charged the people down the quay, and, as one or two witnesses stated, they saw one of the lancers strike the unfortunate O'Brien on the poll, which tumbled him. He was immediately taken up, and conveyed to the Root Market or enclosure, where he was attended by Dr. Anthony, who found him insensible; and he stated it was his opinion that he was labouring under concussion of the brain. He was shortly afterwards removed to the workhouse, where he was attended by the same gentleman and by Dr. Hunt, and he died on the following day. Both these gentlemen agree that he died from concussion of the brain. Now, gentlemen, although stones had been thrown at the military, and an assault made on them, and although they were justified in repelling the attack, and, to some extent, punishing their assailants; yet, if you believe that William O'Brien received this blow from the military in charging the people, and, if you believe that the military in so charging the people wilfully acted in such a manner as we find has resulted in taking away life, especially when the people were flying from them; then, gentlemen, you will say whether the military so acting are criminally responsible for the death of William O'Brien. But, on the other hand, if you believe that the conduct of the people was of such a nature as to place the lives of the military in danger, and that, in charging the people they did nothing more than was necessary for their own preservation, then, gentlemen, you will say whether their acts were justifiable or not. Gentlemen, I do not think it necessary to make any further observations to you; but I shall ask you to retire to consider your verdict, feeling confident that the intelligent, respectable, and experienced jury I am now addressing, will attentively, impartially, and dispassionately weigh the evidence, and arrive at a true and just verdict.

The jury retired at a quarter to seven o'clock to consider their verdict, and returned into court at ten minutes past eight o'clock.

Their names having been called over,

The *Coroner* said: Gentlemen, have you agreed to your verdict?

A *Juror*.] Yes, we have.

The *Coroner*.] Is this your verdict, "We find that the deceased, William O'Brien, came by his death by a blow of a lance, or other injuries, inflicted by one of the 16 Lancers of the 12th Regiment of Lancers, who unlawfully charged on the people down the quay, on the 29th of December 1866; four of whom are named, Serjeant-major Woolley, Browne, Shannon, and Aitcheson. We think it right to add, that we hold the conduct of Major Wombwell blameless on the occasion." Is that your verdict, gentlemen?

Several *Jurors*.] It is.

The *Coroner*.] Is that the unanimous finding of the jury?

A *Juror* (Mr. *Fitzmaurice*). There was one dissentient.

Another *Juror* (Mr. *Flynn*). We all assented to it, with the exception of one juror, who dissented to the word "unlawfully."

The *Coroner* having thanked the jury for their attendance, the proceedings terminated.

Homicides at the County Waterford Election.

INQUEST ON THE BODY OF CAPTAIN BARTHOLOMEW KEILY, HARBOUR MASTER.

Dungarvan, 2 January 1867.

2 January 1867.

Mr. Thomas Henry Denehy, one of the Coroners for the County of Waterford, commenced an inquest this day, in the Court-house, Dungarvan, on the body of the late Captain Bartholomew Keily, Harbour Master, who died that morning from a wound alleged to have been given him by a Lancer (one of the 12th) on the quay, during the polling on the 29th of December 1866.

The following jury was then sworn: Messrs. William Orr (foreman), Denis M'Carthy, Thomas Walsh, John Mooney, Thomas Hackett, Thomas O'Neill, Martin Hackett, Edward Kenefick, Patrick Power, John Cleary, James Walsh, Peter Walsh, Patrick Lynch, Michael Kirby, Thomas Connors, Peter Ahearne, Edward Foley senior, Edward Foley junior.

The jury then proceeded to view the body, after which the inquest was adjourned till that day next week.

The Inquest on the Body of *Bartholomew Keily*, late Harbour Master of the County Waterford, was resumed on

Friday, 18 January 1867.

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The names of the Jury having been called over,

Mr. *Waters* said he had been asked by Mr. Julian to allow Captain Le Quesne's depositions in the case of William O'Brien to be put in and re-sworn to; and he would be most happy to oblige him. (*Addressing Captain Le Quesne.*) I heard you were going away?

Captain *Le Quesne.*] Yes, I am.

Mr. *Waters.*] In that case we will take your depositions immediately, and let them be re-sworn to.

Captain Le Quesne, on being re-sworn, deposed to the truth of his Depositions given in the case of *William O'Brien.*

Captain *Le Quesne.*

The *Coroner* then read the depositions, in the course of which,

Mr. *Julian* said it would be well to let the jury know that this course was being substituted, instead of having an oral examination, for the convenience of the witness, as well as for the convenience of all the parties concerned.

The *Coroner.*] This is the evidence taken and sworn to on the former inquest; you acknowledge it to be your evidence?—I do.

A *Juror* (Mr. *Mooney*).] During the five minutes you were away from your troop, could there be harm done?—How, harm done?

Could there be any harm done to the civilians?—No; there was an officer left with the troop while I was away.

In your absence?—Yes.

I mean, was there any officer in command during your absence?—There was.

I am asking you, could there be any injury done to the people during your absence?—I should say not, for it would be reported to me on my return.

Was it reported?—It was not, for nothing was done.

Mr. *Waters.*] We are going to try and shorten this inquiry as much as possible, and we hope you will confine yourself as much as possible to the question. You can interfere with any question we may put, but I would suggest, as a matter of convenience, that you would confine your questions to the particular matter in question; if you do not, it will necessitate the going into the entire question again.

Mr. *Julian.*] We have had a very protracted inquiry, and the public are all as well informed of it as they can be about this affair. We are anxious, therefore, both for our own sakes and for yours, that we should not be kept 10 or 12 days more here: and we are of opinion that it would be well that the present inquiry should be confined to the death of Captain Keily. I fear that if matters of this kind are once opened up by the jury, by putting questions casting reflections on the military, I will have to open things again, for I cannot allow one-sided questions to be put.

A *Juror.*] Did you ask for a report of what took place down the quay?—I was with them at the

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the time; I had half a troop with me, the other half troop was with Major Wombwell; there was an officer with them, and they knew of it.

A *Juror* (Mr. *Mooney*).] Were you the commander of the troop that went down the quay?—I was not.

Were any under your command?—I commanded my own troop; it was a portion of my troop that went down the quay, according to the evidence.

Were you second in command?—I was not.

Captain ORRED was then sworn, and his Depositions, taken on the Inquest of *William O'Brien*, read to him. The Witness signed them again.

Captain *Orred.*

A *Juror.*] WHERE was it that you saw Hamerton?—Down as far as the Root Market.

Mr. *Waters.*] That is the first mention of his name; he was one of Captain Orred's troop that rode down with him.

A *Juror.*] Are you aware of any of the horses being spotted on the breast?—No.

By any process used on horses or not; by any process of surgery?—No.

By a farrier's process?—I understand you now; there was not.

Honourable EDWARD ARUNDEL, Cornet of the 12th Lancers, was sworn; deposed to and signed his Depositions, taken on the Inquest of *William O'Brien.*

Hon. *E. Arundel.*

A *Juror.*] ARE all the troopers' horses numbered and marked?—They are all numbered.

Is the colour given down with the number?—Down with the number, yes.

Mr. *Waters.*] You mean, is the colour of the horse registered in the book?

A *Juror.*] Yes.

Witness.] Yes, he is numbered and registered.

A *Juror.*] And the name of the rider?—Yes, with the name of the rider.

ALICE CROWLEY, on being sworn, deposed to the correctness of her Evidence given on the Inquest of *William O'Brien.*

Alice Crowley.

A *Juror.*] Do you say it was the lancers knocked down O'Brien, and killed Captain Keily?—Yes.

Were you looking on long, the time you saw Captain Keily stabbed?—All the whole time.

What colour was the horse the lancer rode that stabbed him?—It was a dark brown, or black.

Had he any mark on his breast?—I did not see.

Mr. *Waters.*] What room in the house were you in when you saw that occur?—In an upper room of the house, at the quay side.

Was it the drawing-room, or over the drawing-room?—It was an upper room of the house.

It is, I believe, the most eastern window of that top room?—Yes.

It was on the second storey?—It was.

The two pair in front?—Yes.

Doctor ANTHONY, on being sworn, was Examined by Mr. *Waters.*

Doctor *Anthony.*

DID you attend the late Bartholomew Keily, on the 29th December last?—Yes, I saw him then.

Where did you see him?—In one of his stores at the back of his own house.

At what hour of the day was that?—I believe it was about half-past one o'clock; I think it was between half-past one and two o'clock I was sent for to see him.

Did you see him between half-past one and two o'clock?—I think so.

How was he suffering when you saw him?—He was lying insensible when I saw him, pulseless, his skin cold.

Did you examine his body?—I did; he had a wound between the third and fourth rib, through the right lung.

What sort of a wound was it?—It was an incised wound on the right chest, through the right lung, an inch or an inch and a half above the nipple of his breast; I would call the wound a punctured wound; it was rather large for that; it was about an inch and a half above the nipple.

When did he die?—I believe he died on Wednesday, the 2nd of January.

Had you seen him from that day until his death?—Yes.

Did you hold a *post-mortem* examination on him?—Yes.

What internal injuries did you discover from that examination?—I made it in conjunction with Dr. Hunt, the result of which I have here.

Just give, shortly, what it was?—There were internal injuries; there was the wound that I have described to you, and an external wound that penetrated the right lung to about half its depth.

Is it your opinion that that wound was the cause of death?—It is; I think it would be well to describe the appearance of what I saw inside the chest. On opening the chest, there was a quantity of blood in the cavity of the chest to the amount of a pint and a half; when we had it removed, I found the lung quite collapsed from this wound which I described, in the upper portion of the lung, to about half its depth; he died from the loss of blood which was oozing out both internally and externally; he died from exhaustion.

Mr. *Waters.*] He died from exhaustion caused by loss of blood and hæmorrhage?—Yes, by hæmorrhage.

The *Coroner.*] He died of exhaustion caused by hæmorrhage?—Yes; by secondary hæmorrhage.

Mr.

Mr. *Waters.*] Was that secondary hæmorrhage the result of the wound you have described?—Oh, certainly.

Do you know the lance that is carried by the lancers?—Yes; I saw one here for the first time; I know it since.

Was the wound on Captain Keily's chest such as an instrument like that would inflict?—Such an instrument would be very likely to inflict it.

The *Coroner.*] It was such a wound as you think would be likely to be inflicted by a lance such as was here in court?—Yes.

Mr. *Waters.*] You have seen these lances carried by the lancers?—Yes.

Cross-examined by Mr. *Julian.*

Were you the first doctor called on?—Yes.

Might I ask you, did you probe the wound?—I did not.

Did any one?—Yes, there was.

Who did you hear went probing the wound?—There was a doctor probing the wound.

I would like to know who the doctor was that probed the wound?—I did not see him probing it, but I heard that Dr. Flynn probed it.

Do you know what he probed it for?—I don't know what he could elicit by it.

Do you think that probing a wound on a man's lung was calculated to assist him?—It is not considered good surgery.

You did not consider it necessary to probe it?—I would not do it.

I take it that probing the wound was rather calculated to increase the injuries?—Yes, except you cautiously used it.

Do you think that the man who would go probing it at all would be likely to do it well; that a man that would be guilty of such indiscretion would be likely to do it properly?—I can't say that.

You did not expect to find a benefit from it, and therefore you did not probe the wound?—I did not.

Was there any other doctor besides you and Dr. Flynn attending him?—Yes, Dr. Hunt.

That is Dr. Hunt in court here?—Yes.

I believe you attended him two or three times?—I did.

Were you the first to treat him?—No, it was when I left that Dr. Flynn probed the wound; I was the first to see him.

Was it stated in Dr. Flynn's presence that he probed the man, or did he state it himself?—He did not state it himself; I was not there when it was done; I think Dr. Hunt was there.

Did you hear Dr. Flynn admit that he probed the wound?

Mr. *Waters.*] Surely that is no matter.

Mr. *Julian.*] Surely you would not shut out what he stated?

Did you hear him admit that he probed the wound?—I am not very clear about that.

Did you complain of the wound having been probed when you heard it was done?—Yes, certainly; I disapproved of it.

The *Coroner.*] On hearing that the wound was probed, you did disapprove of it?—Yes.

Mr. *Julian.*] And you stated that Dr. Flynn and Dr. Hunt were also in attendance on this man, and that you disapproved of the probing, as you considered it bad surgery?—It is, decidedly so.

Is it calculated to serve the patient?—It is not recommended.

Is it calculated to serve the patient?—It would not serve him, but it might not harm him. Dr. *Anthony.* 18 January 1867.

A *Juror.*] Nor do harm?

Mr. *Julian.*] We must take what he states exactly; he said it might do no harm.

Witness.] It might do no harm.

Mr. *Julian.*] I take it it was not because you expected that it would not do any harm, that you disapproved of it; it may not do any harm if properly done?—Certainly.

Now did Dr. Hunt see this man more than once?—He did, several times. Dr. Hunt attended him with me up to his death.

Did Dr. Hunt, in a couple of his visits, say the man was going on well?—He did.

Did he not, on the occasion of his last visit, find him considerably changed for the worse, and complain of the treatment he got in his absence?

Mr. *Waters.*] I object to what Dr. Hunt stated being said. I object to Dr. Anthony telling what Dr. Hunt said.

Witness.] I think that is perfectly right; I will let Dr. Hunt speak for himself.

Mr. *Julian.*] I want to see whether the man died from the doctors or from the wound.

Mr. *Waters.*] I object to hearsay evidence being given.

Mr. *Julian.*] It is with regard to what he did in reference to this man's treatment.

The *Coroner.*] Was Dr. Hunt with you at each visit?—Not at all.

Mr. *Julian.*] Was he with you on several of them?—He was.

Did he, on the occasion of his last visit, complain of the treatment the patient received?—

Mr. *Waters.*] I object to it, for it is hearsay evidence.

The *Coroner.*] Was it in presence of you he said it?—It was.

Mr. *Julian.*] We are endeavouring to see whether this man died of the doctors' treatment, or of his wounds. The Coroner is to rule this matter. Mr. Waters has already gone on to give evidence of this man cutting him up while he was dead; I want to show the cutting up he got while he was alive.

Mr. *Waters.*] The question is, whether Mr. Julian can give evidence as to what a third party said, that person being in court, and being capable of giving that evidence.

Mr. *Julian.*] That is not it at all.

Mr. *Waters.*] I know that it is not legal evidence, and I insist that it be not given.

Mr. *Julian.*] You can think for yourself, and I will do the same. What I propose to do is, to give some account of the treatment of the deceased by the medical attendants. I want to prove what they did with regard to the patient.

Mr. *Waters.*] I do not object to your giving any evidence of what they did.

Mr. *Julian.*] Well, I think that what a medical man directed for a patient is part of what he did. I ask if Dr. Hunt ordered a certain course for this man, and was there a different course of treatment pursued?

The *Coroner.*—That is a different thing altogether.

Mr. *Waters.*] I have no objection to that.

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Mr. *Julian.*] It is different only in this, as to whether Dr. Hunt did not complain that the patient did not get different treatment from that he ordered. If I were to spend the day here——

Mr. *Waters.*] There is Dr. Hunt there, and let him be examined.

The *Coroner.*] I think we had better examine Dr. Hunt.

Mr. *Julian.*] I think it would be better not to shut out the examination from the jury.

Mr. *Waters.*] If Mr. Julian thinks I am trying to shut out the evidence from the jury, I think I should set myself right. I am not doing any such thing.

Mr. *Julian.*] That is not what I say. Am I trying to do anything improper? What is it but trying to shut out the evidence? What is he doing but trying to shut it out? I want to examine this gentleman, and after we close his evidence we can examine Dr. Hunt, but I will not call him. I wish that he should be examined by Mr. Waters. Let us get the facts and see what did really cause the death of Mr. Keily.

The *Coroner.*] What is it you want to ask the witness?

Mr. *Julian.*] I asked him did Dr. Hunt complain on the occasion of his last visit, that the course of treatment he had recommended for the patient had not been pursued?

Mr. *Waters.*] I object to that; it is not evidence what another man said.

Mr. *Julian.*] Judge that now, Mr. Coroner; I will repeat the question; he swore that Dr. Hunt was in attendance with him on Mr. Keily up to the time of his death, and I asked him if Dr. Hunt, being so in attendance, did not, on the occasion of his last visit, complain that the course of treatment he had ordered him had not been pursued?

Mr. *Waters.*] This is hearsay evidence, and should not be given.

Mr. *Julian.*] It is not hearsay evidence.

The *Coroner.*] I think the proper way is to examine Dr. Hunt.

Mr. *Julian.*] I will not examine Dr. Hunt; let Mr. Waters do so; but I say you may take the responsibility on yourself, of shutting out the evidence.

The *Coroner.*] Is Dr. Hunt to be examined?

Mr. *Waters.*] I will not examine him at present; it is competent for you to examine him, if you please.

The *Coroner.*] I prefer having Dr. Hunt's evidence.

Mr. *Julian.*] As to that, you can examine any one you like; I have already stated that I will not examine him; the only thing you have at present to do, is to rule as to whether you will exclude the answer to that question.

The *Coroner.*] I think I will get the answer to that question from Dr. Hunt.

A *Juror.*] We all wish that Dr. Hunt be examined.

Mr. *Waters.*] To be sure; you can have him if you like.

Mr. *Julian.*] Did the deceased, before Dr. Hunt's last visit, get stimulants?—I believe it was at the second last visit.

You say he got stimulants before Dr. Hunt's last visit?—I heard it said so.

Mr. *Waters.*] Do you know he did?—I was not by when he got them, but I believe he did, as I heard so.

Mr. *Julian.*] Did you see the result on the patient?—Well, I did see what I would be led to believe caused a change; I would say that a change would be likely to be produced by stimulants.

What is your answer?—When I saw the patient—I will tell the whole thing. It appears that Dr. Hunt had put the patient under a course of treatment, and had given orders that no stimulants should be given to him, nothing but water and lemonade; I believe that was about 5 o'clock; I did not pay a visit to him at that time, nor was I with Dr. Hunt, but Dr. Hunt called on me, and when we went to him we were admitted; we visited him about 8 o'clock, and found Dr. Flynn there; on examining the patient, Dr. Hunt discovered an acceleration of his pulse, and he came to the conclusion that he got something besides what he was ordered; on making inquiry, he found that the patient had got stimulants; he condemned these and got very angry about it; he threatened to give up the case, and left the house that evening. Dr. Hunt disapproved of his getting stimulants, as that was what produced the secondary hæmorrhage, which we were striving against, by keeping down the heart's action and the body low. Dr. Hunt left the house, and we had a consultation that evening; there was a clergyman in the house, and Dr. Hunt called him, and told him that he would propose to him to suggest another doctor.

Dr. Hunt left, saying he would attend no longer?—He did.

Was the patient much worse then?—I could not say, for I did not see him before he got the stimulants.

Was he bad then?—He was very bad all through.

The *Coroner.*] After Dr. Hunt seeing him on that occasion, did he call again?—He did; he appointed a time to visit him again, that was something after eight; between eight and nine o'clock.

Did you visit him?—I did.

Well, on paying the visit?—On paying the visit, Dr. Hunt made inquiry as to whether the patient got stimulants or not, and he was told he did.

Mr. *Waters.*] Is it not the simplest waste of time to put this down, when the jury say they wish to have Dr. Hunt himself?

The *Coroner.*] Dr. Hunt heard that the patient got stimulants?—Yes.

What next?—Dr. Hunt complained that the patient had got the stimulants; he said he did not see the use of his attendance, and that he would give it up; he left the room, but he did not leave the house.

Mr. *Julian.*] Did Dr. Hunt attend afterwards?—On the following day.

Do you know what were the stimulants given on that occasion?—No, but I was told.

Mr. *Waters.*] Do you know of your own knowledge?—No.

Mr. *Julian.*] Did you order any stimulants yourself?—No.

Did you order anything to be done?—No, for Dr. Hunt was after ordering that, and it was not necessary for me to do so.

Then you gave no order, and did not interfere at all about the stimulants?—I did not, becau-

I he:

I heard of Dr. Hart's first arriving there. I heard Dr. Hart first referring to it.

How soon after that did he die?—He did not die until Wednesday, and this was on Saturday night.

Did he rally at all after that, or get better; did he get better after Dr. Hart had made the complaint?—He did not get better; he never improved.

Even momentarily?—I was not there; it might have been momentary.

Of your own knowledge, did you see any improvement?—I saw no improvement in him from the beginning to the end.

Mr. *Walters.*] That you know of? There, now you have it. He saw no improvement in him from the beginning to the end?—Except when he came out of the collapse state he was in.

Mr. *Julian.*] When did he come out of the collapse state?—In a few hours after he received the injuries he came out of it.

How many hours?—I think reaction set in in about three hours.

From that time you saw no improvement?—I saw no improvement; he may have gone on fair enough.

Re-examined by Mr. *Waters.*

What did he die of?—Secondary hæmorrhage.

Inflicted by what?—An instrument such as you described.

Mr. *Julian.*] He said a moment ago it was caused by the stimulants.

Mr. *Waters.*] He did not.

A *Juror.*] Did this fourth doctor, Dr. Cavet, of Waterford, attend the patient before this probing took place?—He was, I think.

What was Dr. Cavet's opinion?—He was hoping against hope.

(The depositions of the Witness were then read over and signed in the usual form.)

Mr. *Julian.*] There are only two matters that I would wish to put into them: one that Dr. Hart told you, when he saw him at five o'clock, that he was going on favourably; and also that the use of stimulants increased the pulsation of the heart, and increased the danger of bringing on secondary hæmorrhage.

The *Coroner.*] What did Dr. Hart tell you?—That he was going on favourably on Saturday evening. It was when we visited him between eight and nine o'clock that Dr. Hart said that stimulants had been given to him. It was then that we threatened to cease to attend to him, as he said they had given him stimulants, and accelerated the heart's action, and increased the danger.

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Mr. *Julian.*] Dr. Anthony himself admits he saw that stimulants had been used, by the effects on the patient?—Yes; when I saw the patient, I saw that there must have been some stimulants given.

Mr. *Julian.*] The result of the stimulants given to the patient in that state would be to increase the action of the heart, and thereby the more likely to render secondary hæmorrhage?—That's just it; it would expose him to secondary hæmorrhage.

Mr. *Waters.*] But in his re-examination the Witness deposed that the man died from hæmorrhage, caused by that wound.

Mr. *Julian.*] Was it from secondary hæmorrhage caused by the wound?

The *Coroner.*] You say it was from?—Secondary hæmorrhage caused by the wound. I say, in my opinion, the deceased died of secondary hæmorrhage.

Mr. *Julian.*] Will you swear that the stimulants did not cause secondary hæmorrhage?—I will not; secondary hæmorrhage may have come on without them. I will swear that if he never got stimulants, he would have died from the effects of the wound.

Then it was useless your being there?—It was.

It was better you should not?—It would, for when I was there, I did not act.

Do I understand you to swear that it would be better for you to be away?—Not better.

But if he was to die?—I did no good by being there.

Sure his pain or agitation would be saved?—I did not act.

You commit yourself to think that this man's life could not have been saved by treatment from his doctors?—It would not be saved.

That is a bold opinion: it was a bold opinion; and did you say it was a great humbug to have four doctors over there, putting his poor widow to the expense?

Mr. *Waters.*] That was the case I wanted to present to the jury on behalf of the next of kin; but as you have a wish to examine Dr. Hunt, I have no objection.

Dr. Ambrose Hunt, being sworn, was Examined by Mr. *Julian*, and deposed:

Dr. *A. Hunt.*

Did you hear Dr. Anthony examined?—I did.

Did you hear him examined as to the external and internal wounds on the body of Captain Keily?—Yes.

Do you believe that he died from the wounds?—I believe he did; he died from secondary hæmorrhage consequent on the wound.

A *Juror.*] Did his death result from the wound?—He died from secondary hæmorrhage.

Was that caused by the wound?—It was.

The *Coroner.*] You say he might have died from secondary hæmorrhage, consequent on the wound?—Caused by the wound.

Caused by the wound?—Oh, not caused by the wound; consequent on the wound.

Consequent on the wound?—Exactly; the wound was the primary cause of his death.

Mr. *Julian.*] You went to visit him after the injuries were inflicted; were you called in?—Yes, about 10 minutes after.

You visited him at five o'clock that evening; is that so?—I visited him about five. I did not see him the first time I went in. I was called in in about 10 minutes after he received the wound.

You were called in in about 10 minutes after he had received the wound?—Yes, but I did not see him then.

Why?—I cannot tell.

Can you give any reason why you did not see him?—They told me that he was dead—the two doctors. Dr. Anthony and Dr. Flynn told me at the time that the patient was dead.

Was it in consequence of that that you did not see him?—Yes.

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How soon, then, did you go again?—I was sent for in about 10 minutes after, and I refused to go.

When did you go?—Not until I got protection.

When was that?—I should say in an hour after.

The *Coroner.*] What did you say?—I refused to go on the second application simply because I was afraid; when I got protection I went. It was about an hour after I went. My reason for requiring protection was—

Mr. *Waters.*] I object to this; that is not evidence.

The *Witness.*] The reason why I refused to go was, that on my first visit—

Mr. *Waters.*] I am objecting, and you will listen to me, sir.

The *Witness.*] My reason was—

Mr. *Waters* (to the *Coroner*).] I beg of you not to let the Witness speak.

Mr. *Julian.*] Surely the reason for a medical man refusing to go out to a patient he has a right to give.

Mr. *Waters.*] That has nothing to do with this case any more than with anything else.

Mr. *Julian.*] It is right that he should explain.

The *Witness.*] The reason why was, that when I went first I was threatened and hooted.

Mr. *Waters.*] Dr. Hunt, I will ask the Coroner to commit you if you go on any further.

Mr. *Julian.*] It is for the Coroner to say whether you are at liberty to say it; it is for him to say whether he is right or not.

Mr. *Waters.*] He is not to put me down in that way when I am making an objection to what he is saying.

Mr. *Julian.*] Ask the Coroner, and know whether you are at liberty to say it.

The *Coroner.*] You got protection, and went there?—I did.

Mr. *Julian.*] Did you find the man that the two doctors had pronounced dead, alive?—I did.

Had anything been done for the deceased by them?—Nothing for him at all.

The *Coroner.*] When you say "them," you mean the doctors?—I do.

Mr. *Julian.*] Did you order something to be done at once?—I directed the wound to be closed.

By what means?—By suture.

That had not been done?—It was not.

Was the man breathing through it?—The air was passing from the lungs through the wound.

Was that done; was the wound closed?—No, not immediately.

What was first done?—It was closed after it had been probed.

Mr. *Waters.*] Did you see it probed?—I did.

Mr. *Julian.*] Who probed it?—Dr. Flynn.

Did you direct the probing, or direct it not to be done?—I did not direct it.

Was it the proper course?—I think not.

The *Coroner.*] You gave no directions one way or the other with regard to the probing?—I objected to it.

Mr. *Julian.*] Was it not after the wound was closed?—The wound was closed immediately after.

Did you see the patient again that evening or the next day?—Three hours after that I saw him.

Did you, on the occasion of the wound being closed, or on the occasion when you visited him three hours afterwards, give any directions as to the treatment he received with regard to stimulants?—I gave directions, immediately the wound was closed, as to how he was to be treated. I gave directions that he should get nothing but cold water or soda water, and that he should not be allowed to speak.

Were those directions followed?—At my third visit on him,—on my next visit to him,—they were followed up to that.

Was he going on well in the interval?—Most favourably.

Did you pay another visit to him that night or next day?—At eight o'clock I saw him again; in or about eight o'clock it was.

How many hours after your previous visit was that?—In or about three hours more.

Was he still going on favourably?—No, he was not.

I ask you if the treatment you had first ordered to be given him had been followed, from the results you saw of it in three hours afterwards, was it possible that the man's life could be saved?—Quite possible.

But would you go further, and would you say probable?—Quite probable.

Mr. *Julian.*] He thinks the life of the man could have been saved if the treatment he laid down had been followed.

The *Witness.*] I do, and I said so to his wife at the time. I directed him to get cold water, or soda water; and on my second visit the reaction had set in so mildly and so gently and favourably, that I gave a still more favourable opinion to his wife as to his recovery, but the treatment which I directed to be carried out during the interval between that and my next visit was not, I believe, fully attended to.

Mr. *Julian.*] Reaction having set in in such a mild and gentle manner, the witness thinks it was both possible and probable that the life of the deceased could have been saved, and given to his family.

The *Coroner.*] Could have been saved, or might have been saved?

Mr. *Julian.*] Could have been saved.

The *Witness.*] Certainly.

Mr. *Julian.*] He says that he said so to his family at the time.

The *Witness.*] Yes.

Mr. *Julian.*] Now you state that when you went after the expiration of the third hour, you did not find him in such a favourable state?—On the third visit I paid him, I found his pulse considerably accelerated; also, that his pulse and respiration was so much accelerated, that I accused them of not carrying out my directions; and that they not only had not carried them out, but had done the very contrary of what I had told them to do.

The *Coroner.*] Who did you accuse?—His friends,—his relations there,—for not only not carrying out my directions, but doing exactly the reverse, in giving the patient stimulants. My directions were, that he was not to get anything but cold water or soda water.

Mr. *Julian.*] Was Dr. Anthony present at that?—He was.

Can you say, from the results you saw, what stimulants he got?—I could not possibly.

Except from what the people told you?—They acknowledged to having given him stimulants.

What stimulants?—That he gave him brandy, beer, and opium.

The

The *Coroner.*] His friends told you that?—I really forgot who it was told it; it was some person there.

Mr. *Julian.*] Could you say was it his friends or the doctor told you?—Dr. Flynn was by at the time.

Was it one of the friends, or Dr. Flynn, who said that?—I cannot say.

Was it one or the other; was it either of the doctors?—They were in the room together when I accused them of doing it.

Was it one of the family, or one of the doctors?—Dr. Flynn allowed that he had ordered him brandy or opium.

The *Coroner.*] Which doctor?

The *Witness.*] Dr. Flynn allowed that he got brandy or opium, and one of his friends allowed that he got beer. Dr. Flynn stated that he had given him brandy and opium, and some one else in the room said that he had also some beer.

Mr. *Julian.*] What took place then?—I refused to continue my attendance.

Did Dr. Anthony say anything on the spot?—I believe he did, but I don't recollect.

Was the patient worse?—Considerably worse.

The *Coroner.*] At that time?—Yes.

Mr. *Julian.*] Was that, you say, the result of the stimulants?—So I believe.

Did he get better at all after that?—He did not.

You have already stated that he was considerably improved before it?—Yes.

Did you see him more than once after that?—I did.

How often?—Dr. Cavet, of Waterford, was sent for.

Mr. *Waters.*] Let him answer for himself.

Mr. *Julian.*] Did secondary hæmorrhage set in after those stimulants were administered?—Not immediately.

Were the stimulants calculated to produce this secondary hæmorrhage of which he died?—Certainly.

Can you form any opinion, as a medical man, on attendance on the case, as to how soon after the administration of the stimulants, the secondary hæmorrhage set in; after the stimulants had been administered and produced their result, how soon after did secondary hæmorrhage set in, in your opinion?—What result?

The excitement you talked of?—I could not exactly say at what period the secondary hæmorrhage set in; I could not say the time.

It is a fact, that a large quantity of blood from the secondary hæmorrhage was found in the cavity of the lungs?—There was.

Re-examined by Mr. *Waters.*

On your oath, do you swear that it was the stimulants that produced secondary hæmorrhage?—I believe so.

Do you swear it?—I do.

Mr. *Julian* (to the *Coroner.*)] Let us have that down.

Mr. *Waters* (addressing the *Witness.*)] And by nothing else?—And by nothing else.

Not by the wound?—There could not have been secondary hæmorrhage on any account but for the wound.

Would you undertake to swear to that jury, that the secondary hæmorrhage would not have set in if no stimulants were administered?—It was with that belief that I gave the favourable prognosis to his family. I don't believe it would.

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I ask you the question again?—On my oath, I don't believe it would.

I don't ask you on your belief; will you swear that if the stimulants had not been administered, secondary hæmorrhage would not have set in?—I would not, but it was with the belief that no secondary hæmorrhage would have set in, that induced me to give the favourable prognosis to his family.

Dr. Flynn ordered the stimulants?—I believe he did.

Did he not do so in your presence?—He acknowledged to have given the patient brandy.

Is that a stimulant; I won't enter into a quarrel about the words with you?—I must say so; beer is also a stimulant, and it was added that he had beer.

Did he order stimulants?—He did.

He is a medical man?—He is.

A proper medical man of your profession?—He is.

Having a qualified degree?—I don't know.

What do you think?—I think he is.

Have you any doubt about it?—Well, I have not.

You differed in opinion with him as to the treatment in this case?—Indeed I did.

Dr. Anthony is another properly qualified medical man?—Yes.

He has a competent degree?—He has.

Did you hear him swear that even if no stimulants had been given to the deceased, he never would have recovered?—I did.

You differed in opinion with him?—I did.

Do you want the jury to believe that it was the friends who gave the stimulants, and that Dr. Flynn assisted them to kill Captain Keily?—I don't know that.

Did you instruct Mr. Julian on this point?—I don't know who instructed him.

Did you?—He spoke to me about it.

Mr. *Julian.*] I will answer for you. I believe you answered some questions that I put to you?—I did.

Mr. *Waters.*] Is that instructing him or not, when you can ask a question on a certain point, and you gave him information; is that instructing him?—I suppose it is.

And why did you not answer my question?—I did not comprehend you.

Was it a true answer to say that no one instructed him?—Perfectly true.

In your opinion, was that a mortal wound?—No, it was not.

Mr. *Julian* (to the *Coroner.*)] Take the answer to that.

Mr. *Waters.*] Oh, of course. (To the *Witness.*) Then it is your opinion that a wound penetrating into the chest and into the lung, is not a mortal wound?—Not of necessity.

Is that your opinion or not?—I told you that I did not think so; there have been so many cases of so much more serious cases of the lung than that of Captain Keily recovering, that I am warranted in coming to the conclusion that it was not a mortal wound. If I believed it was a mortal wound, I would not have stated to his wife that I had strong hopes of his recovery.

Was it one inflicted by a lance?—I believe it was, for I heard it sworn to.

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You had your doubts about the other wound, the wound on O'Brien?—I had very grave doubts about it.

A *Juror.* If the man was left in your hands, would his life have been saved?—I believe it would.

Mr. *Waters.*] And his doctors differ from you.

A *Juror.*] Do you swear that he got stimulants?—No.

But you swore that he did get them?—I swore that when I accused them of giving them to him, they acknowledged that they had given them to him; the doctor acknowledged to have given them to him.

Mr. *Julian.*] I believe you told the jurors and the Court all that you could ascertain on the subject?—I accused his friends of giving him stimulants which I had directed not to be given to him, and they acknowledged to have given stimulants to him by direction of the doctor, and their own will; brandy, beer, and opium.

Mr. *Julian.*] Would you have any objection to answer any question Mr. Waters might put to you, if he had asked you in reference to the case?—Not the slightest.

Did he ask you any questions beforehand?—No.

Mr. *Waters.*] Certainly not; I did not go near him; I did not see either Dr. Anthony or Dr. Hunt, but Dr. Anthony did not go to the other side to give information.

To the *Witness.*] I ask you to answer now; did you swear, now, as a matter of fact, that secondary hæmorrhage would not have set in, even if stimulants had not been given?—

Mr. *Julian.*] That you took down already.

The *Coroner* referred to his notes, and read that the Witness believed that, "if stimulants had not been given, secondary hæmorrhage would not have set in; but I would not swear that it would not have set in if the stimulants had not been given."

The *Witness.*] It is right to mention to the jury, that the only dread I had was the setting in of the hæmorrhage, and that if the secondary hæmorrhage did not set in, there was no doubt he would have recovered; there was nothing else to kill him.

A *Juror.*] If he had not got a stroke of the lance, would he have got secondary hæmorrhage (*laughter*)?—

Mr. *Waters.*] The juror need not be ashamed of the remark, because it is law.

The *Witness.*] I believe if secondary hæmorrhage had not set in, Captain Keily would have lived.

A *Juror.*] You ordered this wound to be stitched?—I did.

Was the blood that remained in the cavity of the chest, would that have caused secondary hæmorrhage?—The blood that we found in the cavity of the chest was the blood that resulted from the secondary hæmorrhage.

But from the wound from the lung?—It must have come from that.

(The depositions of the Witness were then read over, and signed in the usual form.)

A *Juror.*] Why were you afraid to go out without protection?—Because I was hooted and shouted at, and pelted at on my first visit by the people about Captain Keily's house.

Mr. *Julian* (to the *Coroner*).] Take that down now.

Mr. *Waters.*] What has that to do with it?—That he is unpopular with the people of Dungarvan.

Mr. *Julian.*] Was he unpopular? It is but common justice to put this down on the depositions.

Mr. *Waters.*] There is the deposition of John Murray; that was taken on the first inquiry; he is not here to swear to it again; I do not wish to have it, but Mr. Julian wishes to have it read for the jury, and I have no objection.

A *Juror.*] I would wish you would bring up Dr. Flynn.

Mr. *Hudson.*] I cannot have Dr. Flynn; and he is not in town.

The *Coroner.*] If you think it necessary to have him to examine him, you can have him.

The *Juror.*] It is the wish of the jury that he should be examined.

Mr. *Waters.*] Well, I will send again for him; I am told that this is his dispensary day, and that it is somewhere about 14 miles off.

A *Juror.*] He will be in at about half-past three o'clock; he is in that time of day.

The *Coroner.*] Send for him.

A *Juror.*] Will you be able to dispose of this case to-day?

Mr. *Waters.*] I think so.

The *Coroner.*] We have not Captain Murray here, and we have no right to read his depositions.

Mr. *Julian.*] You may read his depositions; I don't object.

Mr. *Waters.*] I don't ask it; I don't object to oblige Mr. Julian.

The *Coroner.*] I don't think they should be asked for by the other side; he must be here, and be sworn before this jury.

Mr. *Waters.*] I don't ask for it; I won't ask for any depositions being read without the witness being present.

Mr. *Julian.*] He was one of Mr. Waters' own witnesses; he was not one of mine.

Mr. *Waters.*] I think the Coroner is right in point of law.

The *Coroner.*] I don't think you have any right to read his depositions, except in his presence.

Mr. *Waters.*] Then that is all the case I make on the part of the next of kin.

Mr. *Julian.*] I asked you to issue a summons for this man, Captain Murray; and I ask you what course you will take? I saw him in attendance on other days afterwards.

The *Coroner.*] I quite forget whether I issued a summons for him or not.

A *Juror.*] He has been out of town for the last week; he is in Waterford.

Mr. *Julian.*] I saw him in Court for two or three days after he was examined.

Serjeant

Serj. Major *Woolley.*
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Serjeant Major WOOLLEY was then sworn; and he deposed to the accuracy of his depositions taken at the inquest on William O'Brien. He then signed them.

Serj. Major *Aitcheson.*

Serjeant Major AITCHESON was also sworn; his depositions, taken at the inquest on William O'Brien were read, and signed by him.

Lord *Hastings.*

Lord HASTINGS was sworn; his depositions, taken at the inquest on William O'Brien were read, and re-signed by him.

Captain *R. Coote.*

Captain ROBERT COOTE, R.M., County of Louth, was also sworn; his depositions taken at the inquest on William O'Brien were read, and signed by him.

A *Juror.*] Did you see the lancers charge down the quay on that day?

Witness.] No; I went on with the voters.

Mr. S. M. MAGUIRE, J.P., Tralee, was also sworn; and his depositions taken at the inquest on William O'Brien were read, and signed by him.

Mr. *S. M. Maguire.*

A *Juror.*] Was there sufficient room for the lancers and voters to come across the bridge, before the lancers went to push the people back?—There was.

Then were the lancers to remove the people off that place?—Yes, they extended so for a precaution.

Would that not have been a sufficient reason for the people to throw stones at them?—Certainly not.

I think that is a fair question; did it appear to you to be such an act as would warrant the people to throw stones?—No, certainly not. I escaped being hit on the occasion; but my horse was hit, and he was lame for a week.

If I was riding a horse or cart at a fair or market, am I at liberty to drive the people back here and there wherever I please, though I had room to pass?—

Mr. *Julian.*] I do believe you take great latitude at times in that respect; the less you say about it the better.

Witness.] I am reported to have stated that I escorted the voters in on that occasion. I was not acting as a magistrate then, and I came in under the protection of the escort myself. I do not wish it to appear that I acted so on that occasion.

The Depositions of Sir NUGENT HUMBLE, Bart., were read over, acknowledged, and signed by him, he having been re-sworn.

Sir *N. Humble,* Bart.

A *Juror.*] Did you see any lances used on that day?—I did not; I saw a hat on a lance, and I suppose they must have used the lance to put it there.

Did you see Captain Keily throwing any stones at the time?—I did not; but what in the world put that in your head? I did not.

You saw everything that occurred on the quay, and you did not see him throwing stones?—How do you know that; I did not see Captain Keily throwing stones. I never saw him throw a stone in his life.

Did you say that Captain Keily was one of the gang?—That you were?

No, I did not say myself; and don't say such a thing of me again, Sir Nugent. Do you know that Captain Keily was one of the mob?—I don't know what you mean.

Was he one of the crowd that was on the quay there; do you say that he went about as one of the mob; was he one of the mob?—I don't understand you.

Did he form a member of the mob in Dungarvan on that day?—I should certainly say not.

The Depositions of Mr. CHARLES DE VALMER, of London, taken at the inquest on William O'Brien, were then read, and re-signed by him.

Mr. *C. De Valmer.*

Mr. *Julian* asked to have the depositions of Mr. Hatchell and Mr. Green, R. M.'s read. These gentlemen, he said, had gone away, and it was a matter of arrangement that their depositions should be read to the jury in their absence.

Mr. *Waters.*] I have no objection to having them read, if it is a legal course. I have no objection whatever.

Mr. *Julian.*] I would wish, above others, that Mr. Hatchell's be read; I would press for Mr. Hatchell's being read. There was an arrangement which I entered into in order to oblige him, and not keep him here.

Mr. *Waters.*] Mr. Green said that you had no objection to his going away if his informations would be read in the case; and I said that I had no objection whatever to his going. I have no personal objection to the depositions being read, but I don't think it is a legal course.

Mr. *Julian.*] I think they spoke to the Coroner about it.

The *Coroner.*] I think Mr. Green said something about it.

Mr. *Julian.*] I would not have allowed them to go away, unless the arrangement was come to. Both went away on that understanding.

Mr. C. De Valmer.

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derstanding. I think you may read the depositions where we both are consenting parties.

The *Coroner.*] Is it Mr. Hatchell's information you wish to have read?

Mr. *Julian.*] Both his and Mr. Green's. That is all I will ask of the evidence that is already given.

Mr. *Waters.*] It might be said that the Coroner had no right to take a document which, as far as this inquest is concerned, is not of more value than that paper.

Mr. *Julian.*] You have changed your legal opinion very quickly.

Mr. *Waters.*] The Coroner ruled this morning against it; and it might be said that improper evidence was received.

The Coroner decided on not receiving the depositions of the two witnesses named.

WILLIAM BOWSEMAN, on being sworn, was Examined by Mr. *Julian*:

William Bowseman.

WHERE do you reside?—In Stradbally.

You are a Schoolmaster, I believe?—I am.

Were you in town on the day of the election?—I was.

On the 29th December?—Yes.

I will bring you shortly to the point. Were you in Captain Keily's house on that day?—I was.

At what hour of the day were you there?—I should say from half-past eleven o'clock up to half-past one o'clock.

Were you during that time in communication with Captain Keily himself?—I was speaking to him for a short time.

In what room of the house were you?—Well, I consider it ought to be the drawing-room; I can't say it was a parlour; it was up-stairs.

Before half-past one o'clock was there any crowd of persons attacked Captain Keily's house?—There was a great crowd all round the door.

Mr. *Julian.*] It is greatly against his will that this witness is brought here; but he is the only person that can give an account of the attack on Captain Keily's house: he did not wish to mix himself up in the case at all.

Witness.] I have been brought here at great trouble and great expense to myself, but I will tell what I know.

What number of people were around Captain Keily's house at that time?—Over 100 at least.

Where were they?—About the door.

I believe you did not actually see Captain Keily stabbed or struck?—I did not.

Were you in the house at the time it occurred?—I was.

Did you hear of it immediately as it had occurred?—I did not; I remained in the window after the occurrence, and the first intimation I got of Captain Keily having been stabbed was from a clerk.

About how long before that was it that this crowd was outside the door?—I should say about or over half-an-hour; it was about three-quarters of an hour.

Did you ever say it was only ten minutes?—I should say from ten minutes to three-quarters of an hour; it might have been only ten minutes.

Was anything done to Captain Keily's house at that time?—There was a missile or a stone thrown at it.

What did it strike?—The door or the gate.

Did you see anybody in the crowd say anything after that?—I heard a voice say, "Don't strike that door again;" I believe that person was one of Captain Keily's boys; I saw him in the yard afterwards.

Did he say anything further?—He said, "If you do, I will do so and so;" I forget what he said exactly.

Could you say what became of the members of the crowd?—I think some of them got into boats on the other side, when the lancers came down the quay.

Where did the others go?—I cannot tell.

Did you see them remain before Captain Keily's house, or go into it?—I can't tell.

Did you see the lancers coming down the quay?—I did.

In point of fact, though it does not bear on this inquest, did you see the deceased O'Brien knocked down?—I saw a man knocked down outside the Root Market.

Was it a horse or a blow of a lance knocked him down?—I think it was a horse; I saw he struggled with the horse; he struggled against the horse.

Were you looking at it?—I was.

Mr. *Waters.*] This is perfectly improper.

Mr. *Julian.*] You were looking at it from the window?—I was.

Did you see Alice Crowley, the servant, looking out of the house?—I don't know such a woman.

Could she have been at any window of the house without your seeing her?—She might have been at some other window.

Did you put your head out of the window then?—I did.

Did you see any one out of any other window?—No.

Did you see O'Brien at the time you put your head out of the window?—It was before that; I don't know what vessels the crowd was on board; there was a hooker, or some sort of boat there.

Do you know a person named Thomas Casey?—I do not.

What other parties were in the room with you at the time of the occurrence?—There were three others; I only knew one, John Crowley.

You don't know who the others were?—I don't.

Did you see Captain Keily at all after the injuries he received?—I did.

Where was he?—He was lying in some of the store-rooms in his yard.

Did he appear to have gone in through his hall door?—No.

Was it a sort of loft with stairs going up to it?—It was; in his back yard, with stairs going up to it.

Do you know what became of the people that went on board the boat?—I don't know.

You did not trouble yourself about them at all?—I did not. I am very sorry to say I troubled myself too much about the matter.

At the time the crowd of 100 were outside Captain Keily's house, were they making any noise or disturbance?—They were.

What

William Bowseman.

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What noise were they making?—Captain Keily was among them, and they were asking for some one to be turned out of the house; they cried, "Put him out."

Were they doing that in a clamorous manner?—Well, they appeared to be rather friendly with Captain Keily.

Were they asking for the person to be turned out in a friendly tone?—Indeed, they were not.

Did you know who the person was they wanted to be turned out?—I can't tell. I don't know whether he was in the house or in the yard.

Did Captain Keily refuse them?—He did, apparently.

Did you see that he left them and returned into the house, or did he do so?—I can't tell where he went. I was standing in the window, and he was under me. I can't tell whether it was into the house or the yard he went.

Or whether he remained outside?—Or whether he remained outside. He was facing the house, with the others, at the time, but I cannot tell whether he entered it or not.

Did the people press further that the party should be turned out of the house?—They asked Captain Keily to put him out; they continued still to press for it; they asked him to do so two or three times.

Did they state what they wanted to do?—No.

Did they say, "put" or "turn him out"?—"Put him out."

Was Captain Keily's house, or any part of the premises, a rendezvous for the voters of Captain Talbot on that day?—I saw no voters there.

What were you waiting for yourself?—I was waiting for a voter to come in.

Did you know that that was the place for Captain Talbot's voters to come to?—Yes, Captain Keily told me so himself; that they were all to come there. I asked him was there any voter of Captain Talbot's there. While the crowd were calling out, I did not know who it was they wanted out.

Was it after this call that the person should be put out that the stones were thrown?—Yes, it was.

Did you see any stone-throwing from the boats on which the people were?—I did not.

While you were waiting for the voters there, did you see them cross the bridge?—I did.

I believe you expected some friend of your own among them?—That was what brought me there.

Was it after they crossed the bridge that the lancers came down the quay?—It was.

Can you throw any other light on the occurrence of Captain Keily's death?—I cannot.

Will you say that there were not 200 people in the crowd outside Captain Keily's house?—I will not.

There may have been?—There may.

Was it a large crowd?—I can't say.

Mr. *Waters.*] I am sorry you had the trouble of coming over here, as far as I am concerned.

A *Juror.*] Did you see when the mob went outside Captain Keily's door?—I did not; I was in the drawing-room over it.

(The depositions of the Witness were read and signed in the usual manner.)

THOMAS CASEY was then called, but he did not answer.

Thomas Casey.

Mr. *Julian.*] I must do without him, I suppose; but I must ask you, Mr. Coroner, to put in force whatever power you have to punish him for not appearing. I am told that he was present at whatever occurred, and therefore I thought it very necessary to summon him.

(To the last *Witness.*) What was the name of the second person in the room with you at the time?—He was an old man.

Was he an old man of about 80?—I don't think he was so old a man.

Mr. *Julian.*] We must ask you, Mr. Coroner, to deal with Casey, who was in the room at the time, for not attending.

Doctor FLYNN, on being sworn, was Examined.

Dr. Flynn.

Mr. *Waters.*] I don't want to examine Dr. Flynn; if the jury wish to examine him they can do so.

A *Juror.*] You probed the wound of Captain Keily?—I did.

Was it necessary to do so?

The *Coroner.*] Wait a minute.

Another *Juror.*] I think Mr. Waters had better examine Dr. Flynn.

Mr. *Waters.*] Very well, I will do so.

You are a Surgeon and Physician, Dr. Flynn?—I am.

Where is your diploma?—I am a Licentiate of the Royal College of Surgeons, Dublin.

Did you attend the late Bartholomew Keily?—I did; I was called in to see him.

By the bye, is that the highest medical diploma to be got in the three kingdoms?—It is.

You attended Captain Keily when he was wounded?—I did; I was sent for.

What day did you go first?—On the 29th, Saturday.

About how long after he received the wound were you sent for?—About a quarter of an hour.

In what condition was he then?—He was in a regular collapse; he was in charge of Dr. Anthony when I saw him, and I heard Dr. Anthony say that he was dying, or dead; I did not then examine him for the wound; I was sent for again, when the reaction set in, and I saw him; I was sent for, and I went down to my house to bring up my surgical instruments to see what injury was done.

I believe pulsation ceases wholly on collapse?—Yes.

Mr. *Julian.*] There must be a very trifling wound?

Mr. *Waters.*] It is imperceptible altogether; you stated that you went for your instruments to examine the extent and nature of the wound?—I did.

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Did you see the body on the post-mortem examination?—I did.

In your opinion, as a surgeon, was the wound a mortal wound?—Yes, it was.

Did you probe it?—I did.

Did you probe it carefully?—I did so, very carefully.

Did you do any injury to him by probing the wound?—No, not the slightest injury at all.

Was Dr. Hunt present at the time you probed it?—He was; and he had the wound in his fingers at the time; he wanted me to sew up the wound, but I said, "Certainly not," until I would see the amount of injury that was done; I could not tell at the time whether it was a flesh wound or not; I sewed it up after ascertaining its nature.

Is Dr. Hunt a surgeon?—I think so.

You saw the body after death?—Yes, I saw it at the post-mortem examination.

During Captain Keily's illness, did you advise that he should get stimulants?—No, certainly not; the only thing that I ordered was, when I saw him suffering torture from the wound, and he begged for something to relieve him, I wanted to convey a little opium to him, and I gave him a wine-glassful of bitter ale; I gave him the opium in a wine-glassful of bitter ale; and I gave it to him as a sedative, not as a stimulant.

Do you think that was good treatment for a person in his condition?—I think it was the duty of a medical man to relieve a patient from torture when suffering from a mortal wound, as he was.

Could you tell the jury from what he died?—From secondary hæmorrhage, caused by the effect of the wound on his lung.

Do you know yourself if he got any stimulants in the shape of brandy?—No, I did not hear it at all. I was particular, when I had given him the bitter ale, that they did not give him more stimulants; nothing stronger than whey and water all day.

Could you say what the secondary hæmorrhage was produced from?—It was produced by the wound.

Would you say that Captain Keily would have recovered if he had not got the stimulants?—Certainly not; the stimulants would have done him no harm or good; my opinion is that he never had any chance of recovering; I considered he was mortally wounded from the first time I examined his wound.

Cross-examined by Mr. *Julian.*

You were in the country to-day?—I was.

How long are you in town?—About an hour.

Has anybody been to you to speak to you about the evidence since you came to town?—I heard there was some evidence given here.

Who was it that gave you the information?—Mr. Hudson was with me.

Did he tell you the nature of the information?—Yes, he told me something about it—tantamount to it.

He did not confine himself to telling you that you were wanted here?—He told me I was wanted here; he did not confine himself to that.

Was there any one else talked to you about it?—The Rev. Mr. Anderson was talking to me; he told me he was in here, and heard something about it.

Anybody else?—No; no one else.

You found the deceased man under the care of Dr. Anthony, and you conceived he had got a mortal wound?—I did, and I left him in charge of Dr. Anthony.

But do you say that the wound was such that all the medical skill in the world could not cure?—No.

Nor that all the stimulants in Dungarvan harm him?—No; but it would be wrong treatment.

But why did you go on earning your fees—three of you going in ruining this unfortunate widow?—I discontinued my attendance.

Or it was discontinued for you?—Certainly not.

Was it not when Dr. Hunt complained that the man had got stimulants that you discontinued your attendance?—It was not.

Was it not true that you ordered him brandy?—It was not true that I ordered him brandy, as Dr. Hunt stated here; I don't think it would be wrong; it would not do him any good or harm to give him brandy.

Is it a fact it would do him harm or not?—I don't think it would do him harm or good.

Would it be wrong?—It may be wrong; but my opinion is, it would do him neither good nor harm.

Why, then, did you limit what you ordered, to a wine-glass of ale, and order to give him no more?—Because it might affect his head, and make him troublesome.

Do you mean to say that anything that would have increased his pulsation, like brandy, or excite him, would not do him harm?—I don't see what harm it would do.

Do you swear that a lance wound is necessarily mortal?—That is according to the wound.

Do you swear that the wound was necessarily mortal, taking the extent of the wound into account?—Yes, immediately.

Do you swear that it would not heal again?—I do swear it would not heal again.

If a piece of the lung were cut off, would the patient live after?—Yes, there are instances of it.

Do you swear that a man with his lung pierced by a lance or a sword could not recover?—There have been instances of their recovering, but the wounds may have been slight wounds.

You did not make a post-mortem examination until after the man's death?—It was after his death we made it.

On your oath, do you mean to swear that you knew sufficient of the wound before the man's death, to know and be certain that stimulants would not do him any harm?—I ran the probe back to the back part of his lung, and I did not do him any harm.

What did you expect to find there, a cannon ball, or a bullet?—No, I wanted to see the extent of the wound.

Did you want to discover that it was more than a flesh-wound?—Yes, certainly.

If there were a hope of his recovery, would that be not the way to prevent the wound uniting?—Yes; but the probe would not do the slightest harm to him.

Would you swear that you found sufficient to know that no amount of stimulants would harm him?—I did believe the wound was mortal, and I did not think that probing, or any amount of stimulants, could harm him.

Yet you directed only one glass of beer?—Yes, to keep him quiet. If agitation came on the chance of recovery was less; and increased action may cause the edges of the wound to disunite, and secondary hæmorrhage to set in.

If the edges of the wound are united, and the circulation accelerated by stimulants, is it not a likely result that the edges will disunite, and secondary hæmorrhage set in?—The external wounds may heal, and the internal wounds not.

Will

Will not increased circulation tend to produce secondary hæmorrhage?—I don't know.

Is it not better to keep the patient quiet and the circulation back?—Yes.

Then don't you think that stimulants would tend to open the wound?—I gave no stimulants.

But would they not?—I don't think that all the stimulants in the world would save him, whether or not.

Are you not bound to do the best you can to save any patient you come to?—Yes.

Did you do the best you could to save Captain Keily from stimulants?—But they could do him no harm.

But would it do him any good?—No, nor harm either.

The proper course is to keep the patient quiet?—Yes, certainly.

Dr. Hunt, I believe, was so annoyed that he would not attend him any longer?—I don't swear that; Dr. Hunt came and visited him behind my back, and I got annoyed at that, as the patient was not his; I should not have acted so in his case.

What harm was it?—It was very unprofessional.

Mr. *Waters.*] He was annoyed at Dr. Hunt doing so unprofessional an act.

Mr. *Julian.*] I believe it was more unprofessional when he complained of the treatment the man got.

Witness.] I don't know that.

Was Dr. Anthony present when you ordered the beer and opium?—No.

Was he there before you?—He was; he had charge of the case, but went away and said the man was dying.

And you came afterwards, and continued to attend him up to his death?—I did; but first he was in the charge of Dr. Anthony. I was sent for after Dr. Anthony went away.

Did you go in behind Dr. Anthony's back, and order the man opium and beer?—The man was suffering when I ordered him opium and beer. There was no one present at the time, and I thought it my duty to relieve him.

But between you all he died?—Yes.

Do you swear now that you did not kill the man?—I did not kill him.

A *Juror.*] Was Dr. Hunt right when he said that he could cure the man?—I don't believe he could have cured him; he was left in Dr. Hunt's hands long enough.

Mr. *Waters.*] The case has now closed on both sides, Mr. Coroner, and by arrangement with Mr. Julian, I think it right not to trespass on the time of the jury by making speeches; neither of us will address the jury, but I think it only right to say to you, and through you to the jury, that, in considering the evidence that has been given, and it is the same as that given on the inquest which concluded yesterday, I, acting on behalf of the next of kin, could not press for a higher verdict than one of Manslaughter; with these observations, I now leave the case in your hands.

Mr. *Julian.*] On behalf of the military, whom I represent, I could not be a consenting party that there should be a verdict of Manslaughter; the only verdict against the military or any one connected with them, I ask at the hands of the jury, through you, is a verdict of total exoneration.

The *Coroner.*] Gentlemen of the jury, it is not necessary for me to make any observations to you; you have the evidence, and it is for you to consider now whether you are satisfied that the deceased was struck with a lance; then you are to ascertain the cause of death, and, if possible, by whom the blow was inflicted, and whether the party who inflicted it was justified in doing so or not; these are the questions you have to consider. The girl Alice Crowley, who appeared before you to-day, stated in her depositions that she was in a window of deceased's house; that she saw one of the lancers strike at deceased with his lance; that the first blow missed him, and that he then made a second blow which struck him; taking that in connection with the doctors' evidence, but there is a difference in the evidence given by the doctors, the evidence is for your consideration. Two of the doctors swore that the wound was mortal, Dr. Hunt differed from them; you are to be the judges.

The Jury retired to consider their verdict at 12 minutes past five, and returned into court at 10 minutes past six o'clock. Their names having been called over,

The *Coroner* said, Gentlemen, have you agreed to your verdict?

The *Foreman.*] Yes, we have.

The *Coroner.*] Is it here?

The *Foreman.*] It is.

The *Coroner.*] You say, We find that the late Bartholomew Keily was wilfully murdered at his own door, by a stab of a lance given by one of 16 lancers who unlawfully charged down the quay on the 29th December 1866; five of whose names are given: Serjeant-Major Woolley, Browne, Shannon, Aitcheson, and Hamerton. Now, I would wish to ask you, is your verdict one of murder, manslaughter, or justifiable homicide?

A *Juror.*] It says murder in the verdict.

The *Coroner.*] Do you mean that as a verdict of wilful murder?

Several *Jurors.*] Yes.

Mr. *Barron*, solicitor, who appeared for the next of kin, said, Now is the proper time to apply for the apprehension of the parties whose names the jury have returned.

Mr. *Julian.*] I don't think Mr. Barron could have in his recollection a finding such as this, inasmuch as it does not charge any one with having done the act. I think it better, Mr. Coroner, before any discussion arises, that you would follow the usual course of engrossing it. Let there be no discussion about it until that is done.

The *Coroner.*] Is your verdict that the deceased was wilfully murdered?

A *Juror.*] Yes.

The *Coroner.*] And do you name these as aiding or abetting?

A *Juror.*] Yes, from the evidence before us of Captains Orred and Le Quesne.

Mr. *Julian.*] They don't say that.

A *Juror.*] From the depositions sworn by Captains Orred and Le Quesne, these parties are named.

Mr. *Julian.*] I call on you, Mr. Coroner, to take down the finding in their own words.

The *Coroner.*] The jury are to declare what, in their judgment, caused the wounds to deceased, and the Coroner is to draw it up in legal form.

Dr. *Flynn.*

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Dr. *Flynn.*

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Mr. *Julian.*] They have declared it there, and it is perfectly intelligible. It is, to a very great extent, following last night's precedent; it is exactly in the words of last night's finding, with the exception that, instead of finding that the deceased died from the lance wound or other injuries, they say he was wilfully murdered; and it goes on to find the rest of the verdict in precisely the same words.

The *Coroner.*] But they have told you that their verdict is one of wilful murder; and I must draw it up in legal form.

Mr. *Barron.*] I agree with Mr. Julian, that the verdict is perfectly plain and intelligible; that the deceased man was murdered by one of 16 lancers who unlawfully charged down the quay.

Mr. *Julian.*] The finding of last night is precisely the same as that of to-night's.

Mr *Barron.*] I would wish, Mr. Coroner, that you would issue your warrant for the apprehension of the entire body.

Mr. *Julian.*] These young gentlemen are always in a hurry to do something; but don't you, Mr. Coroner, be in too great a hurry to do what you are asked.

Mr. *Barron.*] That is a fault we will soon cure of.

Mr. *Julian.*] You should ask a warrant to be issued against the whole regiment. You understand, and Mr. Waters, who understood the law, stated that he did not require or ask for more, and that nothing more could be maintained than a verdict of manslaughter.

Mr. *Barron.*] In this case?

Mr. *Julian.*] Yes, he did.

The *Coroner.*] Yes, he did.

Mr. *Julian.*] And that is the reason why the Coroner is wholly surprised at it; and the prosecutors know that nothing more than this could be given; I don't wish to go into the matter further.

Mr. *Barron.*] Is that in this case?

Mr. *Julian.*] Yes, in this case; Mr. Waters explained it.

The *Coroner.*] I think you have the Christian names of the men here mentioned.

A *Juror.*] We have not had a retention of their names.

Mr. *Julian.*] You did not get the Christian names in last night's verdict, except that of Serjeant-Major Woolley, and this is a copy of last night's verdict, with the exception of the first and last. There is nothing about Major Wombwell in this verdict; they have it in the other.

The *Coroner.*] Is your verdict against the five as well as against the one?

A *Juror.*] Yes, against the five as well as against the one.

Another *Juror.*] It is intended against the five as well as against the one.

The *Coroner.*] Is it intended against them as well as against the other? You say your verdict is one of wilful murder; that the late Bartholomew Keily was feloniously, wilfully, and with malice aforethought, murdered at his own door with a lance, by one of 16 lancers?

Another *Juror.*] We don't accuse these men of the murder. I don't know who the murderer is.

Mr. *Julian.*] It is only fair that we should not make them go further than they went. They went far enough.

The *Coroner.*] This is your verdict:—We find that the said deceased Bartholomew Keily was feloniously, wilfully, and with malice aforethought, murdered at his own door, by one of 16 lancers who unlawfully charged down the quay on the 29th December 1866, five of whose names are mentioned: Serjeant-Major Woolley, Brown, Shannon, Aitcheson, and Hamerton.

Mr. *Julian.*] I think the jury should tell whether they were unanimous or not.

The *Coroner.*] Were you unanimous, gentlemen?

The *Foreman.*] Yes, we were all unanimous.

The Verdict having been signed,

The *Coroner* said: I am very much obliged to you, gentlemen, for your attendance and trouble.

Mr. *Julian.*] What do you say to Mr. Barron's application about arresting these men?

The *Coroner.*] I will take my own time to consider it.

The proceedings then terminated.

COPY of the REPORTS of the PROCEEDINGS at the Inquests held at *Dungarvan* in the Month of January last on the Bodies of *William O'Brien* and *Bartholomew Keily*, taken for the Government by the Shorthand Writer employed for that purpose.

(*Mr. Cogan.*)

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